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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities

REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES ON ITS FORTY-FIFTH SESSION

Geneva, 2-27 August 1993

Rapporteur: Mr. Ioan Maxim

GE.93-85392 (E)

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I. DRAFT RESOLUTIONS AND DECISIONS RECOMMENDED TO THE COMMISSION ON HUMAN RIGHTS FOR ADOPTION

A. Draft resolutions

1. Working Group on Contemporary Forms of Slavery

The Commission on Human Rights,

Noting resolution 1993/7 of 20 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Decides to create for a period of three years a working group on contemporary forms of slavery, composed of five independent experts with relevant experience in the field of human rights and contemporary forms of slavery in particular, with the task of monitoring the application of the Conventions on slavery through the examination of the information it receives;

2. Also decides that the Working Group, in carrying out its mandate, shall seek and receive information from Governments, intergovernmental and non-governmental organizations and individuals;

3. Invites the Working Group to take account, in fulfilling its mandate, of the need to carry out its task with discretion, objectivity and independence;

4. Requests the Secretary-General to provide all the necessary assistance to the Working Group to enable it to accomplish its task.

[See chap. II, sect. A, resolution 1993/7, and chap. XVI]

II. Question of human rights and states of emergency

The Commission on Human Rights,

Noting resolution 1993/28 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Recommends the following draft decision to the Economic and Social Council for adoption:

The Economic and Social Council, taking note of Commission on Human Rights decision 1994/... of ... 1994 and of resolution 1993/... of .. August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the requests by the Sub-Commission:

(a) To Mr. Leandro Despouy, Special Rapporteur on human rights and states of emergency, to continue to update the list of states of emergency and to include in his annual report to the Sub-Commission and the Commission recommendations on inalienable or non-derogable rights;

(b) To the Secretary-General to provide the Special Rapporteur with all the assistance he may require to carry out his work, to maintain cooperation with the different sources of information and databases, and to process the information submitted to him in an effective way.

[See chap. II, sect. A, resolution 1993/28, and chap. XI.]

III. Human rights and extreme poverty

The Commission on Human Rights,

Endorsing resolution 1993/35 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1994/... of ..... 1994 and resolution 1993/35 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, entitled "Human rights and extreme poverty",

1. Approves the proposals by the Special Rapporteur on the study of the question of human rights and extreme poverty, Mr. Leandro Despouy, concerning the holding of a seminar on the topic of "Extreme poverty and the denial of human rights";

2. Requests the Secretary-General to continue his consultations on the topic of human rights and extreme poverty with Governments, the specialized agencies, intergovernmental organizations and non-governmental organizations and to inform the Special Rapporteur of the conclusions of those consultations;

3. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the fulfilment of his mandate including, as appropriate, assistance from consultants with specialized knowledge of the subject.

[See chap. II, sect. A, resolution 1993/35, and chap. IX]

IV. Promoting the realization of the right to adequate housing

The Commission on Human Rights,

Taking note of Sub-Commission resolution 1993/36 of 25 August 1993 on promoting the realization of the right to adequate housing,

Recalling its decision 1993/103 of 4 March 1993,

Welcoming the progress report of the Special Rapporteur on promoting the realization of the right to adequate housing (E/CN.4/Sub.2/1993/15),

1. Decides to extend the mandate of the Special Rapporteur by one year to bring the length of his mandate into accordance with the practices of the Sub-Commission and to enable him to explore fully the human rights implications arising from the right to adequate housing;

2. Invites the Special Rapporteur to submit a second progress report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-sixth session;

3. Requests the Secretary-General to provide the Special Rapporteur with all the necessary financial, technical and expert assistance required for the completion of his mandate;

4. Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council,

Recalling Commission on Human Rights resolution 1994/... of ... 1994 and decision 1993/103 of 4 March 1993, as well as resolutions 1993/... of .. August 1993 and 1992/26 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Welcoming the working paper (E/CN.4/Sub.2/1992/15) and the progress report on the right to adequate housing (E/CN.4/Sub.2/1993/15) submitted by the Special Rapporteur of the Sub-Commission, Mr. Rajindar Sachar,

1. Decides to extend the mandate of the Special Rapporteur by one year to bring the length of his mandate into accordance with the practices of the Sub-Commission and to enable him to explore fully the issues arising from the right to adequate housing;

2. Requests the Special Rapporteur to submit a second progress report to the Sub-Commission on Prevention of Discrimination and Protection of Minorities at its forty-sixth session;

3. Requests the Secretary-General to invite Governments, United Nations bodies, the specialized agencies, intergovernmental and non-governmental organizations and community-based organizations to provide the Special Rapporteur with information relevant to the preparation of his study;

4. Urges the Secretary-General to provide the Special Rapporteur with all the financial, technical and expert assistance that he may require to prepare his study and to compile and analyse the information, data, views and documents collected, including, as appropriate, assistance from consultants with expertise in the subject;

5. Requests the Secretary-General to provide the Special Rapporteur with the necessary budgetary allocations to enable him to visit States in order to gain knowledge of the perspectives of local groups, non-governmental organizations and Governments on promoting the human right to adequate housing.

[See chap. II, sect. A, resolution 1993/36, and chap. IX]

V. Question of the impunity of perpetrators of violations of human rights

The Commission on Human Rights,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other relevant human rights instruments and the Geneva Conventions of 12 August 1949,

Recalling the interdependence and indivisibility of civil and political rights and economic and social rights,

Convinced that the increasingly widespread practice worldwide of impunity for perpetrators of violations of human rights is a fundamental obstacle to the observance of human rights,

Taking note of resolution 1993/37 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Welcomes the interim report (E/CN.4/Sub.2/1993/6) prepared by Mr. El Hadji Guissé and Mr. Louis Joinet pursuant to resolution 1992/23 of 27 August 1992 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities;

2. Endorses the Sub-Commission's request to Mr. Guissé and Mr. Joinet to submit a report, including conclusions and recommendations, on the first aspect of the question of impunity, with respect to civil and political rights, to the Sub-Commission at its forty-sixth session and to continue their study on the second aspect of the question, concerning economic, social and cultural rights;

3. Requests the Secretary-General to provide the Special Rapporteurs with any assistance required by them to be able to discharge their task;

4. Recommends the following draft resolution to the Economic and Social Council for adoption:

The Economic and Social Council, taking note of Commission on Human Rights resolution 1994/... of .. 1994, approves the Commission's endorsement of the Sub-Commission's request, contained in its resolution 1993/37, of 26 August 1993, to Mr. El Hadji Guissé and Mr. Louis Joinet to prepare a report on the first aspect of the question of the impunity of perpetrators of violations of human rights, and also approves the Commission's request to the Secretary-General to provide the Special Rapporteurs with any assistance required by them to be able to discharge their task.

[See chap. II, sect. A, resolution 1993/37, and chap. V]

VI. Independence of the judiciary, particularly with regard to judges and lawyers, as well as court officers

The Commission on Human Rights,

Guided by the principles enshrined in articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and in articles 2, 14 and 26 of the International Covenant on Civil and Political Rights,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there shall be no discrimination in the administration of justice,

Taking note of resolution 1993/39 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities,

1. Welcomes the final report on the independence of the judiciary and the protection of practising lawyers (E/CN.4/Sub.2/1993/25), prepared by the Special Rapporteur, Mr. Louis Joinet;

2. Endorses the recommendation by the Sub-Commission to create a monitoring mechanism to follow up the question of the independence and impartiality of the judiciary, particularly with regard to judges and lawyers,

as well as court officers, and the nature of problems liable to attack this independence and impartiality, and recommends also that this take the form of a special rapporteur whose mandate could consist of the following tasks:

(a) To submit any allegations transmitted to the special rapporteur to adversarial examination;

(b) To identify and record attacks on the independence of the judiciary and to provide technical assistance when so requested;

(c) To study, for the purpose of making proposals, certain questions of principle, inter alia justice and the fight against serious crime (including terrorism and drug trafficking), justice and situations of emergency, justice and the media, and the status of the prosecuting authority, which, in view of their importance and topicality, are priority matters;

3. Recommends the following draft decision to the Economic and Social Council, for adoption:

The Economic and Social Council,

Taking note of Commission on Human Rights resolution 1994/... of ... 1994, endorses the decision of the Commission to confirm the proposal of the Sub-Commission to create a monitoring mechanism to follow up the question of the independence and impartiality of the judiciary, in particular with regard to judges and lawyers, as well as court officers, and the nature of problems liable to attack this independence and impartiality, and that this take the form of a special rapporteur whose mandate could consist of the following tasks:

(a) To submit any allegations transmitted to the special rapporteur to adversarial examination;

(b) To identify and record attacks on the independence of the judiciary and to provide technical assistance when so requested;

(c) To study, for the purpose of making proposals, certain questions of principle, inter alia justice and the fight against serious crime (including terrorism and drug trafficking), justice and situations of emergency, justice and the media, and the status of the prosecuting authority, which, in view of their importance and topicality, are priority matters;

The Council also approves the request made by the Commission to the Secretary-General to provide the special rapporteur with all the assistance necessary for the completion of his task.

[See chap. II, sect. A, resolution 1993/39, and chap. XII]

B. Draft decisions

1. Report of the Working Group on Contemporary Forms of Slavery

The Commission on Human Rights, noting resolution 1993/5 of 20 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the decision of the Sub-Commission to appoint Mrs. Halima Embarek Warzazi as Special Rapporteur to update the report of Mr. Boudhiba and to extend the study to the problem of debt bondage, and to keep the question of debt bondage under consideration and to assess the progress achieved, with a view to the elimination of this intolerable practice.

[See chap. II, sect. A, resolution 1993/5, and chap. XVI]

2. Slavery and slavery-like practices during wartime

The Commission on Human Rights, noting resolution 1993/24 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the decision to entrust Mrs. Linda Chavez, as Special Rapporteur, with the task of undertaking an in-depth study on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including in particular internal armed conflict, and its request to her to submit the results of the study to the Working Group on Contemporary Forms of Slavery at its nineteenth session; and recommends the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council taking note of Commission on Human Rights resolution 1994/... of ... 1994, approves the Commission's endorsement of the appointment for a two-year period of Mrs. Linda Chavez as Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including, in particular, internal armed conflict, and requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to complete her study."

[See chap. II, sect. A, resolution 1993/24, and chap. XVI]

3. The right to a fair trial

The Commission on Human Rights, noting resolution 1993/26 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, expresses its appreciation to the Special Rapporteurs, Mr. Stanislav Chernichenko and Mr. William Treat, for their work on the study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening"; endorses the request to the Special Rapporteurs to continue their study, taking into account, inter alia, the

comments made in the discussion of their preparatory, preliminary and progress reports, and to submit to the Sub-Commission, at its forty-sixth session, a final report which should include a set of conclusions and recommendations aimed at guaranteeing under all circumstances the right to a fair trial and a remedy; and recommends the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, recalling its decision 1993/291 of 20 July 1993, approves the endorsement by the Commission on Human Rights of the request of the Sub-Commission on Prevention of Discrimination and Protection of Minorities to Mr. Stanislav Chernichenko and Mr. William Treat to submit their final report on the right to a fair trial, as described in Sub-Commission resolution 1993/26 of 25 August 1993, and requests the Secretary-General to provide the Special Rapporteurs with all the assistance necessary, including a technical meeting of experts for three days, to enable them to carry out their work successfully."

[See chap. II, sect. A, resolution 1993/26, and chap. XI]

4. Recognition of gross and large-scale violations of human rights as an international crime

The Commission on Human Rights, noting resolution 1993/30 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the recommendation to appoint Mr. Stanislav Chernichenko as Special Rapporteur to prepare a report on the recognition of gross and large-scale violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime, and requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the completion of his task.

[See chap. II, sect. A, resolution 1993/30, and chap. V]

5. Human rights and the environment

The Commission on Human Rights, noting resolution 1993/32 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request of the Sub-Commission to Ms. Fatma Zohra Ksentini, Special Rapporteur on human rights and the environment, to prepare a final report, including a set of conclusions and recommendations aimed at developing basic principles and guidelines with respect to human rights and the environment. The Commission also endorses the request to the persons chairing human rights treaty monitoring bodies to include the question of the right to environment on the agenda of their next meeting and, if they so wish, to invite the Special Rapporteur to participate in that meeting. The Commission further endorses the request to the Secretary-General to organize an expert meeting prior to the preparation of the final report in order to formulate recommendations on the way in which the

right to environment could be incorporated in the activities of human rights bodies, as well as the request to the Secretary-General to provide the Special Rapporteur with all the assistance she may require for the preparation of her study and the necessary assistance to hold consultations with appropriate United Nations bodies, specialized agencies and intergovernmental development organizations, and to compile and analyse the information and documents collected.

[see chap. II, sect. A, resolution 1993/32, and chap. V]

6. Traditional practices affecting the health of women and children

The Commission on Human Rights, noting resolution 1993/33 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorsed the recommendation of the Sub-Commission that:

(a) The subject of harmful traditional practices affecting the health of women and children be maintained on the agenda of the Sub-Commission in so far as they constitute violations of human rights within the meaning of the relevant provisions of the International Bill of Human Rights and many other international instruments, in particular the Convention on the Rights of the Child;

(b) The mandate of the Special Rapporteur, Ms. Halima Embarek Warzazi, be extended for one year so as to enable her to submit to the Sub-Commission at its forty-sixth session a plan of action for the elimination of harmful traditional practices affecting the health of women and children, and a report on the regional seminar to take place in Asia;

(c) The Centre for Human Rights provide all the assistance that the Special Rapporteur may require in the exercise of her mandate.

[See chap. II. sect. A, resolution 1993/33, and chap. V]

7. Human rights dimensions of population transfer, including the implantation of Settlers and Settlements

The Commission on Human Rights, noting resolution 1993/34 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses:

(a) The request to Mr. Awn Shawkat Al-Khasawneh, as Special Rapporteur, to continue the study on the human rights dimensions of population transfer, including the implantation of settlers and settlements;

(b) The invitation to request the Secretary-General to organize a multidisciplinary expert seminar on the human rights dimensions of population transfer, including the implantation of settlers and settlements, prior to the preparation of the final report, in order to formulate appropriate final conclusions and recommendations;

(c) The request to the Secretary-General to invite Governments, United Nations bodies and intergovernmental and non-governmental organizations concerned to provide the Special Rapporteur with information relevant to the preparation of his reports;

(d) The invitation to request the Special Rapporteur to undertake on-site visits to diverse, ongoing cases of population transfer selected on the basis of information received for the next report.

[See chap. II, sect. A, resolution 1993/34, and chap. IX]

8. Question of the implications for human rights of United Nations action, including humanitarian assistance in addressing international humanitarian problems and in the promotion and protection of human rights

The Commission on Human Rights, taking note of resolution 1993/38 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the Sub-Commission's request to appoint Mrs. Claire Palley as Special Rapporteur on the question of the various modalities of the possibility of United Nations action under the Charter, relating to humanitarian assistance when addressing humanitarian problems, taking into account the principle of non-intervention and other principles of general international law enshrined therein and the need to develop further international cooperation in the humanitarian field and the promotion and protection of human rights, also endorses the Sub-Commission's request to the Secretary-General to provide the Special Rapporteur with all the necessary assistance, including the resources required, to complete her study and proposes the following draft decision to the Economic and Social Council for adoption:

"The Economic and Social Council endorses Commission on Human Rights decision 1994/... of ... 1994 to authorize the appointment of Mrs. Claire Palley as Special Rapporteur on the question of the various modalities of the possibility of United Nations action under the Charter relating to humanitarian assistance when addressing humanitarian problems, taking into account the principle of non-intervention and other principles of general international law enshrined therein and the need to

develop further international cooperation in the humanitarian field and the promotion and protection of human rights, and also endorses the Sub-Commission's request to the Secretary-General to provide the Special Rapporteur with all the necessary assistance, including the resources required, to complete her study."

[See chap. II, sect. A, resolution 1993/38, and chap. XX]

9. Human rights and income distribution

The Commission on Human Rights, noting resolution 1993/40 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the decision of the Sub-Commission to entrust Mr. Asbjørn Eide with the task of producing, without financial implications, a preparatory document on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, at both national and international levels, taking also into account matters related to the realization of the right to development, with a view to determining how most effectively to strengthen activities in this field.

[See chap. II, sect. A, resolution 1993/40, and chap. IX]

10. Protection of minorities

The Commission on Human Rights, noting resolution 1993/43 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the decision of the Sub-Commission to consider at its next session, the follow-up to be given to the report, including the feasibility and usefulness of the preparation of a more comprehensive programme for the prevention of discrimination and protection of minorities, and to entrust Mr. Asbjørn Eide with the task of preparing, without financial implications, a working paper containing suggestions for such a programme.

[See chap. II, sect. A, resolution 1993/43, and chap. XVIII]

11. Cultural and intellectual property of indigenous peoples

The Commission on Human Rights, noting resolution 1993/44 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, endorses the request to the Special Rapporteur, Mrs. Erica-Irene A. Daes, to expand her study on the protection of the cultural and intellectual property of indigenous peoples with a view to elaborating draft principles and guidelines for the protection of the heritage of the indigenous peoples and to submit a preliminary report to the Sub-Commission at its forty-sixth session; requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the

accomplishment of her task; decides that the title of the study should be "Protection of the heritage of the indigenous peoples"; and recommends the following draft decision to the Economic and Social Council for adoption:

> "The Economic and Social Council, noting decision 1994/... of ... February 1994 of the Commission on Human Rights, welcomes the study by the Special Rapporteur, Mrs. Erica-Irene A. Daes, on the protection of the cultural and intellectual property of indigenous peoples (E/CN.4/Sub.2/1993/28); authorizes her to update and expand the study with a view to elaborating draft principles and guidelines on the protection of the heritage of indigenous peoples; requests her to submit her preliminary report to the Sub-Commission at its forty-sixth session; requests the Secretary-General to provide the Special Rapporteur with all necessary assistance to accomplish her work; and approves the new title of the study, 'Protection of the heritage of the indigenous peoples'."

[See chap. II, sect. A, resolution 1993/44, and chap. XV.]

12. Working Group on Indigenous Populations

The Commission on Human Rights, noting resolution 1993/45 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, decides to recommend to the Economic and Social Council:

(a) That it approve the holding of a seminar on indigenous land rights and claims, in which representatives of indigenous peoples, Governments and experts will participate, to be organized in 1994;

(b) That it approve the participation of the Chairperson-Rapporteur of the Working Group on Indigenous Populations of the Sub-Commission, Mrs. Erica-Irene A. Daes, at the closing ceremony of the International Year of the World's Indigenous People, which will take place in New York;

(c) That it approve the annual report of the Working Group being made more widely available by being issued as a United Nations sales publication.

[See chap. II, sect. A, resolution 1993/45, and chap. XV.]

13. Question of the privatization of prisons

The Commission on Human Rights, noting decision 1993/109 of 25 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, authorizes the Sub-Commission at its forty-sixth session to appoint one of its members to undertake a special study, inter alia on all the issues mentioned in chapter IV of the outline prepared by Mrs. Claire Palley (E/CN.4/Sub.2/1993/21).

[See chap. II, sect. B, decision 1993/109, and chap. XI.]

14. Study on treaties, agreements and other constructive arrangements between States and indigenous populations

The Commission on Human Rights, noting decision 1993/110 of 26 August 1993 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, authorizes the Sub-Commission to reiterate its request to the Special Rapporteur to submit a second progress report on the study to the Working Group at its twelfth session and to the Sub-Commission at its forty-sixth session, and also to request the Secretary-General to give the Special Rapporteur all the assistance necessary to allow him to continue his work, in particular by providing for the specialized research assistance required and for the necessary trips to Geneva for consultation with the Centre for Human Rights. The Commission on Human Rights requests the Economic and Social Council to endorse the above-mentioned decision of the Sub-Commission.

[See chap. II, sect. B, decision 1993/110, and chap. XI.]

II. RESOLUTIONS AND DECISIONS ADOPTED BY THE SUB-COMMISSION AT ITS FORTY-FIFTH SESSION

A. Resolutions

1993/1. Monitoring the eradication of apartheid and the transition to democracy in South Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the Declaration on Apartheid and its Destructive Consequences in Southern Africa, contained in the annex to resolution S-16/1, adopted without a vote by the General Assembly on 14 December 1989, which, inter alia, called for negotiations in a climate free of violence,

Recalling also its resolutions 1991/1 of 20 August 1991 and 1992/6 of 21 August 1992,

Recalling further Commission on Human Rights resolutions 1992/20 of 28 February and 1993/19 of 26 February 1993,

Recalling General Assembly resolution 47/116 of 18 December 1992,

Having considered the preliminary report (E/CN.4/Sub.2/1993/11) submitted by the Special Rapporteur, Mrs. Judith Sefi Attah,

Deeply concerned at the impediments to the democratization of South Africa as reported by the Special Rapporteur, amongst which are violence and inequality in the enjoyment of socio-economic rights in South Africa,

Noting the facilitating role of the international community in the democratization process in South Africa,

Noting also the useful recommendations made by the Special Rapporteur in her preliminary report,

1. Expresses it appreciation to the Special Rapporteur for the accurate and useful information contained in her preliminary report;

2. Decides to transmit the report to the Commission on Human Rights for consideration at its fiftieth session;

3. Requests the Secretary-General to bring the report to the attention of the Government of South Africa;

4. Also requests the Secretary-General to contact the Government of South Africa with a view to enabling the Special Rapporteur to undertake a special mission to South Africa during the period of preparation of her next report;

5. Requests the Special Rapporteur to submit her second report to the Sub-Commission at its forty-sixth session;

6. Requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary to carry out her mandate, including ensuring that the Special Rapporteur travels to South Africa for an on-the-spot familiarization with the dynamics of the transition process as they affect the enjoyment of the fundamental human rights of the people;

7. Decides to consider the issue of monitoring the eradication of apartheid and the transition to democracy in South Africa as a matter of priority at its forty-sixth session.

17th meeting
13 August 1993

[Adopted without a vote. See chap. VI.]

1993/2. Elimination of all forms of intolerance and of discrimination based on religion or belief

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Conscious of the need to enhance and encourage understanding, tolerance and respect in matters relating to freedom of religion and belief,

Recalling the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief, proclaimed by the General Assembly in its resolution 36/55 of 25 November 1981,

Taking into account the successive reports of the Special Rapporteur of the Commission on Human Rights, Mr. Angelo Vidal d'Almeida Ribeiro (E/CN.4/1989/44, E/CN.4/1990/46 and E/CN.4/1991/56), the report of its own Special Rapporteur, Ms. Elizabeth Odio Benito (E/CN.4/Sub.2/1987/26) and the working paper prepared by Mr. Theo van Boven (E/CN.4/Sub.2/1989/32), a former member of the Sub-Commission,

Considering that, in the Vienna Declaration and Programme of Action, the World Conference on Human Rights called upon all Governments to take all appropriate measures to counter intolerance and violence based on religion or belief and to put into practice the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief,

Recalling its resolution 1989/23 of 31 August 1989, wherein it reaffirmed its willingness and interest to make a further contribution to activities which might be considered by the Commission on Human Rights as a further means of strengthening international efforts to promote and protect the right to freedom of thought, conscience, religion and belief,

Also recalling Commission on Human Rights resolution 1993/25 of 5 March 1993 in which the Commission expressed its belief that further efforts were required to promote and protect the right to freedom of thought, conscience, religion and belief and to eliminate all forms of hatred, intolerance and discrimination based on religion or belief,

Noting with concern the renewed outbreak of serious acts of intolerance, discrimination and violence, especially against women and intellectuals, caused in particular by religious extremism,

Convinced that religious extremism represents a genuine threat to the security of nations, the stability of institutions and peace among peoples,

Emphasizing the important role of education in ensuring tolerance with respect to other people and promoting and protecting freedom of religion and belief,

1. Reaffirms that freedom of thought, conscience, religion and belief is a human right derived from the inherent dignity of the human person and guaranteed to all without discrimination;

2. Welcomes the intention of the Human Rights Committee to make available soon a general comment on article 18 of the International Covenant on Civil and Political Rights, dealing with freedom of thought, conscience and religion;

3. Recognizes the importance of building understanding and respect between persons of diverse religions or beliefs and the particular need for communication and education within and among movements, groups, associations and other constituencies based on religion or belief;

4. Reaffirms its willingness to make a further contribution to activities which may be considered by the Commission on Human Rights as a further means of strengthening international efforts to promote and protect the right to freedom of thought, conscience, religion and belief;

5. Renews its recommendation to the Commission on Human Rights that it give due consideration to the organization, in cooperation with the United Nations Educational, Scientific and Cultural Organization, the United Nations University, interested intergovernmental and non-governmental organizations and academic and research institutions, of a global consultation on the positions and approaches of different religions and beliefs to human rights and fundamental freedoms.

17th meeting
13 August 1993
[Adopted without a vote. See chap. XIV.]

1993/3. Measures to combat racism and racial discrimination and the role of the Sub-Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1992/5 of 21 August 1992 and Commission on Human Rights resolution 1993/20 of 2 March 1993,

Mindful of General Assembly resolution 45/105 of 14 December 1990, in which the Assembly declared once again that all forms of racism and racial discrimination, particularly in their institutionalized form, such as apartheid, or resulting from official doctrines of racial superiority or exclusivity, were among the most serious violations of human rights in the contemporary world and must be combated by all available means,

Sharing the concern expressed by the Commission that in many parts of the world, despite all efforts, racism, racial discrimination, xenophobia and related intolerance and acts of violence resulting therefrom persist and appear to be on the rise, among them manifestations occurring particularly in developed countries,

Reiterating its great concern about the consequences of increasing racism and xenophobia directed against migrant workers, and underlining the importance of early ratification by all States concerned of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Reiterating also that the scourges of racism and racial discrimination are continuously assuming new forms, requiring a periodic re-examination of the methods used to combat them,

Concerned that in many parts of the world members of vulnerable ethnic, cultural and linguistic groups are suffering from discrimination and discriminatory treatment,

Noting the importance, in the struggle against racism and racial discrimination, of a complementarity of economic, social, educational and information measures at the national level, including legislative, administrative and penal measures, and of measures taken at the international level, as confirmed by the Commission on Human Rights in paragraph 4 of its resolution 1993/20,

Noting also the recognition expressed by the Commission, in paragraph 5 of that resolution, of the important role that can be played in this regard by the Sub-Commission,

1. Welcomes the appointment by the Commission on Human Rights, for a three-year period, of a special rapporteur on contemporary forms of racism, racial discrimination and xenophobia and related intolerance;

2. Recommends that the Special Rapporteur carry out his mandate by examining situations in the various regions of the world, beginning with incidents which are increasing in the developed countries, as well as theories and attitudes of racial superiority which incite them;

3. Also recommends that the Special Rapporteur be invited to address the Sub-Commission at its forty-sixth session to present his report there also;

4. Further recommends that arrangements be made for the convening, on that occasion, of a joint meeting between the Sub-Commission and the Committee on the Elimination of Racial Discrimination, with a view to the elaboration of recommendations concerning the comprehensive measures envisaged in paragraph 4 of Commission resolution 1993/20;

5. Requests the Secretary-General to prepare, for that meeting, a report containing a survey of efforts made by different United Nations bodies to prevent and combat racism, racial discrimination, xenophobia and related intolerance, together with proposals on how these efforts can be strengthened and better coordinated.

19th meeting
16 August 1993
[Adopted without a vote. See chap. VI.]

1993/4. Methods of work of the Sub-Commission

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1992/8 of 26 August 1993 and the guidelines annexed thereto concerning its methods of work, which are being applied from the present session,

Noting with satisfaction that the Commission on Human Rights, in its resolution 1993/28 of 5 March 1993, took note with appreciation of the significant steps taken by the Sub-Commission to rationalize and streamline its work,

Noting the invitation addressed by the Commission to the Sub-Commission, in paragraph 5 of resolution 1993/28, to continue its consideration of ways in which its work should be improved,

1. Decides to convene, during its forth-sixth session, a sessional working group to continue the study of its methods of work, with particular emphasis on the methods to be used and procedures to be followed under item 6 of its agenda concerning the violation of human rights and fundamental freedoms, as well as on the means to ensure the follow-up of recommendations and conclusions of studies undertaken under the auspices of the Sub-Commission.

26th meeting
20 August 1993

[Adopted without a vote. See chap. IV.]

1993/5. Report of the Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Taking note of the report of the Working Group on Contemporary Forms of Slavery on its eighteenth session (E/CN.4/Sub.2/1993/30),

Deeply concerned at the information it contains relating to the traffic in persons and the exploitation of the prostitution of others, the sale of children, child prostitution and child pornography, the exploitation of child labour, debt bondage, the removal of organs, the slavery-like practices of apartheid and colonialism, and the phenomenon of child soldiers,

1. Expresses its appreciation to the Working Group on Contemporary Forms of Slavery for its valuable work, in particular for its continued broad approach and flexible methods of work;

I. SALE OF CHILDREN, CHILD PROSTITUTION AND CHILD PORNOGRAPHY

A. Special Rapporteur on the sale of children, child prostitution and child pornography

2. Expresses its thanks to the Special Rapporteur on the sale of children, child prostitution and child pornography for participating in the eighteenth session of the Working Group;

3. Requests the Centre for Human Rights to transmit the report of the Working Group to the Special Rapporteur;

4. Invites the Special Rapporteur to participate in the nineteenth session of the Working Group;

B. Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography

5. Encourages all Governments to consider, in the context of the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography, the creation of programmes aimed at the social rehabilitation of all persons involved in prostitution, and of children in particular;

6. Takes note of the information on the state of implementation of the Programme of Action submitted by States, specialized agencies and non-governmental organizations contained in the report of the Working Group submitted pursuant to paragraph 6 of Sub-Commission resolution 1992/2 of 14 August 1992 (E/CN.4/Sub.2/1993/31 and Add.1);

7. Decides, in accordance with its resolution 1992/2, to transmit that report to the Commission on Human Rights at its fiftieth session;

C. Removal of organs from children

8. Requests, as a matter of urgency, the Secretary-General to invite again all Governments, United Nations bodies, including the United Nations Children's Fund, the specialized agencies, in particular the World Health Organization, the International Criminal Police Organization (INTERPOL) and all relevant non-governmental organizations to pursue in-depth investigations of allegations concerning the removal of organs from children and to indicate the measures taken, if any, to counteract this practice wherever it exists, with a view to reporting thereon to the Working Group at its nineteenth session;

II. EXPLOITATION OF CHILD LABOUR AND DEBT BONDAGE

9. Welcomes the adoption by the Commission on Human Rights in its resolution 1993/79 of 10 March 1993 of the Programme of Action for the Elimination of the Exploitation of Child Labour;

10. Requests the Secretary-General, in accordance with Commission on Human Rights resolution 1993/79, to invite all States to inform the Working Group of measures adopted or to be adopted in the near future to implement the Programme of Action;

11. Requests the Working Group to examine at its nineteenth session the state of implementation of the Programme of Action and to transmit a report thereon, through the Sub-Commission, to the Commission;

12. Takes note with satisfaction of Commission on Human Rights decision 1993/112 of 10 March 1993 authorizing the Sub-Commission to consider the possibility of appointing a special rapporteur to update the report of Mr. Abdelwahab Bouhdiba (E/CN.4/Sub.2/479), and to extend that study to the problem of debt bondage;

13. Decides to appoint Mrs. Halima Embarek Warzazi as Special Rapporteur to update the report of Mr. Boudhiba and to extend the study to the problem of debt bondage;

14. Decides to keep the question of debt bondage under consideration and to assess the progress achieved, with a view to the elimination of this intolerable practice;

III. CHILD SOLDIERS

15. Expresses its deep concern that in many parts of the world children are recruited into armed forces and that some Governments and non-governmental entities encourage and sometimes compel children to take part in hostilities;

16. Requests the Working Group to continue to give attention to this question at its nineteenth session;

IV. PREVENTION OF TRAFFIC IN PERSONS AND EXPLOITATION OF THE PROSTITUTION OF OTHERS

17. Recommends that the Commission on Human Rights examine the draft programme of action for the prevention of traffic in persons and exploitation of the prostitution of others at its fiftieth session;

18. Requests the Secretary-General to continue to seek the views of States concerning the draft programme of action for submission to the Commission at its fiftieth session;

19. Requests the Secretary-General to convey to the World Tourism Organization the Working Group's grave concern at the information received during its eighteenth session with regard to the persistence and the development of sex tourism;

20. Encourages all Governments to establish specific projects for the protection of the victims of traffic in persons and of prostitution from the risk of contamination with the human immunodeficiency virus and the spreading of acquired immunodeficiency syndrome;

21. Urges States to introduce and reinforce education programmes alerting children to the risks of sexual exploitation and the consequences for individuals and for society of such exploitation;

22. Requests all Governments to develop programmes in support of the family, especially as part of the International Year of the Family;

23. Recommends that States take urgent measures designed to protect minors from exposure to or involvement in child pornography, particularly in relation to sex tourism, and requests the Secretary-General to invite States to provide information on measures taken or already applicable;

24. Recommends that in all States national bodies for the prevention of prostitution be established which could assist in the rehabilitation and reintegration of victims of prostitution;

V. MACHINERY FOR MONITORING THE INTERNATIONAL CONVENTIONS ON SLAVERY

25. Recommends that the Secretary-General again request the States parties to the international conventions on slavery to submit to the Sub-Commission, at regular intervals, reports on the situation in their countries;

26. Requests the Secretary-General again to invite annually States which have not acceded to or have not ratified the international conventions on slavery to explain why they have not done so and to report on their replies to the Sub-Commission and to the Commission, and to extend a similar invitation to States which have not ratified the International Labour Organisation conventions on forced labour;

27. Recommends that Governments avail themselves of the possibility of requesting assistance under the United Nations programme of advisory services in the field of human rights and the technical assistance programmes of the specialized agencies, in particular that of the International Labour Office;

28. Urges the specialized agencies to give particular attention to poverty as a factor leading to or perpetuating slavery and slavery-like practices and to include in their technical assistance programmes activities designed to eliminate slavery and slavery-like practices;

VI. UNITED NATIONS TRUST FUND ON CONTEMPORARY FORMS OF SLAVERY

29. Appeals to all Governments, governmental and non-governmental organizations, private institutions and individuals to respond favourably to requests for contributions to the United Nations Trust Fund on Contemporary Forms of Slavery, and urges them to publicize the establishment and function of the Trust Fund, so as to increase general awareness of its existence;

30. Invites a representative of the Trust Fund to attend the nineteenth session of the Working Group;

VII. MIGRANT WORKERS

31. Notes that in recent years many countries have been running their development programmes, as well as the day-to-day maintenance of essential services, with the help of a foreign migrant labour force and that foreign workers are often subject to rules and regulations which are discriminatory and prejudicial to dignified living, forcing them to live separately from their spouse and their minor children, sometimes for extended periods;

32. Invites countries to ratify the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, adopted by the General Assembly in its resolution 45/158 of 18 December 1990;

VIII. MISCELLANEOUS

33. Welcomes the decision of the Working Group to include consideration of the practice of incest on the agenda of its nineteenth session and to consider ways to combat this form of slavery, and urges that adequate help be offered to victims of such practices;

34. Takes note of the decision of the Working Group to transmit the information received at its eighteenth session on the sexual exploitation of women, as well as other forms of forced labour during wartime, to the Special Rapporteur on the right of restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms and to the Sub-Commission for their consideration;

35. Requests the Secretary-General to seek the views and suggestions of Member States and of governmental and non-governmental organizations on proposals for future action by the Working Group, with a view to the consideration of their replies by the Working Group at its forthcoming sessions;

36. Appeals to all Governments to send representatives to the meetings of the Working Group on Contemporary Forms of Slavery;

37. Encourages youth organizations and young persons from various non-governmental organizations to participate in the meetings of the Working Group;

38. Welcomes the decision of the Working Group to give particular attention to the issue of street children at its next sessions;

39. Recommends that arrangements regarding the organization of the sessions of the Working Group, as endorsed by the Commission on Human Rights in its resolution 1993/27 of 5 March 1993 and decision 1993/112 of 10 March 1993, be repeated in subsequent years;

40. Recommends that the Human Rights Committee, the Committee on Economic, Social and Cultural Rights, the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child, when examining the periodic reports of States parties, give particular attention to the implementation of, respectively, articles 8 and 24 of the International Covenant on Civil and Political Rights, articles 10, 12 and 13 of the International Covenant on Economic, Social and Cultural Rights, article 6 of the Convention on the Elimination of All Forms of Discrimination against Women and articles 32, 34 and 36 of the Convention on the Rights of the Child, with a view to combating contemporary forms of slavery;

41. Also recommends that the supervisory bodies of the International Labour Organisation and the Committee on Conventions and Recommendations of the United Nations Educational, Scientific and Cultural Organization give particular attention in their work to the implementation of provisions and standards designed to ensure the protection of children and other persons

exposed to contemporary forms of slavery, such as the sale of children, child prostitution and child pornography, the exploitation of child labour, bonded labour and the traffic in persons;

42. Requests the Secretary-General to transmit to the above-mentioned committees, the special rapporteurs concerned and the Working Group on Enforced or Involuntary Disappearances the present resolution, as well as the report of the Working Group on its eighteenth session, drawing their attention to the recommendations contained therein of relevance to them;

43. Again requests the Secretary-General to reassign to the Working Group a full-time Professional staff member of the Centre for Human Rights, as was the case in the past, to work on a permanent basis to ensure continuity and close coordination within and outside the Centre for Human Rights on issues relating to contemporary forms of slavery, to prepare documentation well in advance, and facilitate the representation at sessions of the Working Group of the largest possible number of intergovernmental and non-governmental organizations with competence in the fields examined, and to report on the measures taken for this purpose to the Commission on Human Rights at its fiftieth session and to the Working Group on Contemporary Forms of Slavery at its nineteenth session;

44. Again requests the Secretary-General to designate the Centre for Human Rights as the focal point for the coordination of activities in the United Nations for the suppression of contemporary forms of slavery and to report on the measures taken for this purpose to the Commission on Human Rights at its fiftieth session and to the Working Group on Contemporary Forms of Slavery at its nineteenth session.

26th meeting
20 August 1993
[Adopted without a vote. See chap. XVI.]

1993/6. Additional assistance in studying ways and means of resolving problems arising from the former institution of slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recognizing that slavery cannot be effectively abolished by legislation alone,

Welcoming the efforts of Governments to ensure development in areas with a sizeable population of former slaves and their descendants,

Having regard to the fact that in order truly to recover their freedom former slaves must be given economic and other means to enjoy their fundamental rights and liberties,

Concerned that a large number of former slaves and their descendants are still suffering grave consequences from, and are still subject to, practices similar to slavery,

Aware that projects designed to assist former slaves and their descendants in recovering and enjoying their rights and liberties will be successful if they are based on a thorough knowledge of the issues and problems and if they are designed in consultation with the former slaves and their descendants themselves,

1. Calls upon those Governments concerned, academics and social scientists and international non-governmental organizations to undertake and carry through social science research projects to investigate all aspects of slavery and slavery-like practices for the purpose of finding ways to eradicate the phenomenon;

2. Calls upon the Economic Commission for Africa, the United Nations Development Programme, the United Nations Educational, Scientific and Cultural Organization and other United Nations bodies and specialized agencies and donor countries to support and assist in the implementation of such research projects and development plans.

26th meeting
20 August 1993

[Adopted without a vote. See chap. XVI.]

1993/7. Working Group on Contemporary Forms of Slavery

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1989/35 of 6 March 1989, in which the Commission requested the Secretary-General to undertake a study on the ways and means by which an effective mechanism might be established for the implementation of the Conventions on slavery,

Recalling the study prepared by the Secretary-General pursuant to the above request (E/CN.4/Sub.2/1989/37),

Recalling Commission on Human Rights resolutions 1990/63 of 7 March 1990, 1991/58 of 6 March 1991, 1992/47 of 3 March 1992 and 1993/27 of 5 March 1993, in which the Commission, inter alia, encouraged the Sub-Commission, including its Working Group on Contemporary Forms of Slavery, to continue to elaborate recommendations on the ways and means of establishing an effective mechanism for the implementation of the Conventions on slavery,

Conscious of the interest in giving concrete application to the recommendations formulated by the Working Group and contained in its reports and to the Programme of Action for the Elimination of the Exploitation of Child Labour, adopted by the Commission at its forty-ninth session, and the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography adopted at its forty-eighth session,

1. Decides to continue its consideration of the question at its forty-sixth session under the same agenda item;

2. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution I]

26th meeting
20 August 1993
[Adopted without a vote. See chap. XVI.]

1993/8. Punishment of the crime of genocide

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights and other relevant international human rights instruments, in particular the Convention on the Prevention and Punishment of the Crime of Genocide,

Conscious of its responsibility to contribute to the promotion and encouragement of respect for human rights and fundamental freedoms and to prevent violations of such rights,

Recalling General Assembly resolution 3074 (XXVIII) of 3 December 1973, entitled "Principles of international cooperation in the detection, arrest, extradition and punishment of persons guilty of war crimes and crimes against humanity",

Welcoming Commission on Human Rights resolution 1992/S-2/1 of 1 December 1992, in which the Commission called on all States to consider the extent to which acts committed in Bosnia and Herzegovina and in Croatia constituted genocide, and resolution 1993/7 of 23 February 1993 on the situation of human rights in the territory of the former Yugoslavia,

Welcoming also General Assembly resolution 47/121 of 18 December 1992, in which the Assembly stated that the policy of ethnic cleansing was a form of genocide,

Noting the relevant Security Council resolutions, in particular resolutions 798 (1992) of 18 December 1992 and 808 (1993) of 22 February 1993, in which the Council decided that an international tribunal should be established for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia,

Aware that in its Order of 8 April 1993 concerning the application of the Convention on the Prevention and Punishment of the Crime of Genocide, the International Court of Justice found that circumstances in the territory of the former Yugoslavia required it to indicate provisional measures for the protection of rights under the Convention,

Taking into account that the Convention on the Prevention and Punishment of the Crime of Genocide confirms that genocide, whether committed in time of peace or in time of war, is a crime under international law which States have undertaken to prevent and to punish,

1. Affirms that all persons who perpetrate or authorize the commission of genocide and related crimes are individually responsible for such actions and that those in positions of authority who have failed adequately to ensure that persons under their control comply with the relevant principles of international law are accountable along with the perpetrators;

2. Reminds States Members of the United Nations which are parties to the Convention on the Prevention and Punishment of the Crime of Genocide of their obligation under article V to enact, in accordance with their respective Constitutions, the necessary legislation to give effect to the provisions of that Convention and, in particular, to provide effective penalties for persons guilty of genocide or any of the other acts proscribed in the Convention;

3. Recalls that under article VI of the Convention persons charged with genocide or related crimes shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction;

4. Urges States Members of the United Nations to make every effort to bring to justice, in accordance with internationally recognized principles of due process, all those individuals directly or indirectly involved in the unspeakable crimes committed in Bosnia and Herzegovina, elsewhere in the territory of the former Yugoslavia or in any other part of the world.

26th meeting
20 August 1993

[Adopted without a vote. See chap. VII.]

1993/9. Situation in Kosovo

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenants on Human Rights, the International Convention on the Elimination of All Forms of Racial Discrimination, the Discrimination (Employment and Occupation) Convention, the Convention against Discrimination in Education, the Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, as well as the Basic Principles on the Independence of the Judiciary,

Recalling also its decision 1992/103 of 13 August 1992, concerning the human rights situation within the territory of the former Yugoslavia,

Recalling further Commission on Human Rights resolution 1992/S-1/1 of 14 August 1992, in which the Commission condemned all violations of human rights within the territory of the former Yugoslavia and called upon all

parties to cease those violations immediately and to take all necessary steps to ensure full respect for human rights and fundamental freedoms and humanitarian law,

Recalling Commission on Human Rights resolution 1993/7 of 23 February 1993, in which the Commission demanded that the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) respect the human rights and fundamental freedoms of ethnic Albanians in Kosovo,

Bearing in mind the fourth report of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia (E/CN.4/1993/50) which described, inter alia, the various discriminatory measures taken in the legislative, administrative and judicial areas, summary executions, acts of violence and arbitrary arrests perpetrated against ethnic Albanians in Kosovo,

Noting with concern the information contained in the above-mentioned report of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, as reflected in Commission on Human Rights resolution 1993/7, as well as the alarming information issuing from other reliable sources describing, in particular:

(a) Acts of police violence against ethnic Albanians, arbitrary searches, seizures and arrests, torture and ill-treatment of detained persons and discrimination practised in the administration of justice, creating a climate in which criminal acts are committed, particularly against ethnic Albanians, with absolute impunity;

(b) Discriminatory dismissals of ethnic Albanian civil servants, in particular within the police force and the judiciary, the massive dismissals of ethnic Albanians working in administrative, managerial or other specialized capacities within State enterprises and public institutions, including, in particular, teachers in educational institutions now run by Serbs, and the closure of Albanian secondary schools and universities;

(c) The arbitrary imprisonment of ethnic Albanian journalists, the banning of Albanian language media outlets and the discriminatory dismissal of ethnic Albanians working in local radio and television stations;

(d) The dismissal of ethnic Albanian doctors and other medical professionals and non-professionals working in clinics and hospitals;

(e) The banning of the use of the Albanian language, notably within the public administration and services,

Considering that these measures and practices constitute a form of ethnic cleansing,

Deeply concerned by the reports describing the persistence of flagrant and widespread violations of human rights in Kosovo,

Gravely concerned at the refusal of the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro) on the one hand to facilitate the task of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia to execute his mandate fully, particularly in Kosovo, and on the other hand, to allow the Conference on Security and Co-operation in Europe (CSCE) mission of long duration in Kosovo to continue its activities,

1. Vigorously condemns the measures and practices of discrimination and the violations of the human rights of the ethnic Albanians of Kosovo committed by the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro);

2. Urges the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) To take whatever measures may be necessary to bring the human rights violations inflicted on the ethnic Albanians of Kosovo to an immediate halt, including, in particular, the discriminatory measures and practices, as well as the summary executions, arbitrary detentions and the use of torture and other cruel, inhuman or degrading treatment;

(b) To revoke all discriminatory legislation, in particular that which has entered into force since 1990;

(c) To re-establish the democratic institutions of Kosovo;

3. Requests the authorities of the Federal Republic of Yugoslavia (Serbia and Montenegro):

(a) To facilitate the appointment by the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, in accordance with paragraph 34 of Commission on Human Rights resolution 1993/7, of officers mandated to inform him about the evolution of the situation of human rights, especially in Kosovo;

(b) To allow the CSCE missions of long duration to continue their activities pursuant to the terms of Security Council resolution 855 (1993) of 9 August 1993 on the termination of the CSCE monitoring mission.

26th meeting
20 August 1993

[Adopted by secret ballot by 17 votes to 4, with 3 abstentions. See chap. VII.]

1993/10. Situation of human rights in Chad

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights,

Reaffirming that all Member States have the right to promote human rights and to fulfil their obligations under the various applicable instruments,

Deeply concerned by the serious events that, for several years, have been taking place in Chad, most recently the massacres that occurred on 4 and 8 August 1993 at Chokoyam and N'Djamena,

Recalling that Chad has ratified the African Charter on Human and Peoples' Rights,

Taking into account that the democratization process has been initiated in Chad through the Sovereign National Conference held at N'Djamena from 15 January to 7 April 1993, which brought together all the vital forces of the nation,

1. Strongly condemns the gross and continuing violations of human rights in Chad;

2. Calls upon the authorities of Chad to implement the decisions of the Sovereign National Conference contained in the transitional Government's plan of action;

3. Appeals to the international community to contribute by the appropriate means and by taking positive measures to enhancing the promotion and protection of human rights and fundamental freedoms in the country;

4. Decides to keep this matter on the agenda for its forty-sixth session.

26th meeting
20 August 1993
[Adopted without a vote. See chap. VII.]

1993/11. Situation in South Africa

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling the Declaration on Apartheid and its Destructive Consequences in southern Africa, adopted by the General Assembly in its resolution S-16/1 of 14 December 1989,

Recalling also all the relevant resolutions of the Commission on Human Rights, in particular resolution 1993/9 of 26 February 1993,

Mindful of General Assembly resolution 33/165 of 20 December 1978 on the status of persons refusing service in military or police forces used to enforce apartheid,

Taking note of the decisions of the Council of Ministers of the Organization of African Unity at its fifty-sixth ordinary session, held at Dakar from 22 to 28 June 1992, in particular the decision urging the international community to refrain from establishing official links with South Africa until the establishment of an interim Government and the holding of free and fair elections on the basis of a new constitution,

Welcoming the accord of 16 August 1991 between the United Nations and the Government of South Africa which opened the way for refugees to return to South Africa and for the release of political prisoners,

Concerned that many political prisoners are still incarcerated, that political trials of some opponents of apartheid still continue and that not all political exiles have been allowed to return,

Gravely concerned at the new wave of violence that is further devastating South Africa and the role of the Government of South Africa in this regard,

Gravely concerned also at the continued military cooperation between South Africa and some Governments,

Aware of the great courage, perseverance and sacrifices of the people of southern Africa in the face of aggression and oppression by the Government of South Africa,

Noting with great concern that the negotiation process within the framework of the Convention for a Democratic South Africa (CODESA) is deadlocked because of the refusal by the Government of South Africa to follow the universally accepted democratic principles for implementing constitutional change,

Concerned that the violence in South Africa is escalating in spite of the constant appeals by the international community to end the carnage, which constitutes a major obstacle to the negotiation process,

Recalling the establishment and launching of the Action for Resisting Invasion, Colonialism and Apartheid Fund (see A/41/697-S/18392, annex) at the Eighth Conference of Heads of State or Government of Non-Aligned Countries,

1. Reaffirms that apartheid is a crime against humanity;

2. Also reaffirms the right of all persons to refuse service in military or police forces when they are used to enforce apartheid;

3. Strongly condemns the perpetrators of the violence that continues to devastate South Africa and denounces the Government of South Africa for its failure to act to stop the violence;

4. Calls upon the South African authorities to exercise effectively their responsibility to maintain law and order, to stop the violence, to prosecute its perpetrators and to protect all citizens, irrespective of their political affiliation;

5. Reiterates the call contained in the Declaration on Apartheid and its Destructive Consequences in southern Africa for, inter alia, the unconditional release of all political prisoners and detainees by the Government of South Africa, the removal of all troops from the townships, the repeal of the remaining legislation designed to circumscribe political activity and the cessation of all political trials and executions;

6. Urges all States to continue to provide, both individually and collectively, moral and material assistance to the oppressed people of South Africa;

7. Calls upon the Government of South Africa not to proceed with the execution of persons convicted and sentenced to death for so-called "security", "security-related" or "unrest-related" offences;

8. Calls upon the Government of South Africa to bring before court on appropriate charges those members of the security forces or other government organs or other persons against whom prima facie evidence of participation in the killing of residents in black areas or in the murder of political opponents of apartheid exists;

9. Reiterates that unity of action and cohesion among the liberation movements and other democratic South African forces within the framework of the United Patriotic Front is absolutely necessary at this crucial stage of the struggle and constitutes the best means of hastening the process of negotiations aimed at the advent of a non-racial, democratic and united South Africa;

10. Urges the international community to refrain from establishing official links with South Africa until an interim Government responsible for supervising the transition to democratic rule, including the holding of free and fair elections under universal adult suffrage on a common voters' roll, has been put in place in the country;

11. Affirms that any relaxation of pressure on South Africa at this time would be a violation of the Declaration on Apartheid and its Destructive Consequences in southern Africa;

12. Vigorously condemns all military collaboration with the Government of South Africa, particularly in the nuclear field.

26th meeting
20 August 1993
[Adopted without a vote. See chap. VII.]

1993/12. Situation in East Timor

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and the universally accepted rules of international humanitarian law,

Bearing in mind General Assembly resolution 37/30 of 23 November 1982 and Security Council resolutions 384 (1975) of 22 December 1975 and 389 (1976) of 22 April 1976,

Recalling the statement agreed by consensus by the Commission on Human Rights at its forty-eighth session (E/1992/22, para. 457) and resolution 1993/97 of 11 March 1993 adopted by the Commission at its forty-ninth session,

Recalling also its resolutions 1982/20 of 8 September 1982, 1983/26 of 6 September 1983, 1984/24 of 29 August 1984, 1987/13 of 2 September 1987, 1989/7 of 31 August 1989, 1990/15 of 30 August 1990, and 1992/20 of 27 August 1992, as well as the statement made by the Chairman at its forty-third session on the question of the situation in East Timor,

Having examined the note by the secretariat on the situation in East Timor (E/CN.4/Sub.2/1993/14),

Noting with satisfaction the recent lifting of the restrictions imposed upon the activities of the International Committee of the Red Cross,

Disturbed by reports of continuing violations of human rights in East Timor, as well as by reports of forcible removal of prisoners from their original place of residence to serve jail sentences in parts of Indonesia in contravention of the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949,

1. Expresses its deepest concern at reports of continuing violations of human rights in East Timor;

2. Notes with satisfaction the recent lifting of the restrictions imposed upon the activities of the International Committee of the Red Cross;

3. Urges the Indonesian authorities to implement fully the decisions of the Commission on Human Rights as contained in the consensus statement agreed by the Commission at its forty-eighth session and in resolution 1993/97 of 11 March 1993, adopted by the Commission at its forty-ninth session;

4. Also urges the Indonesian authorities to honour the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, regarding the prohibition on removing prisoners from their original place of residence;

5. Decides to consider at its forty-sixth session the situation pertaining to human rights and fundamental freedoms in East Timor, and for this purpose requests the secretariat to transmit to it all relevant information received.

26th meeting
20 August 1993
[Adopted by secret ballot by 13 votes to 10, with 2 abstentions. See chap. VII.]

1993/13. Consequences for the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Alarmed at the proliferation of acts of terrorism which affect human rights and fundamental freedoms of the individual,

Reaffirming that terrorism constitutes a serious obstacle to the full enjoyment of all human rights,

Condemning all acts, methods and practices of terrorism in all its forms and manifestations as gross violations of human rights,

Deeply deploring the loss of human life and the injuries which result from acts of terrorism,

1. Expresses its deep concern at the persistence of acts of terrorism in all its forms and manifestations which endanger or take innocent lives, threaten the fundamental freedoms and the democracy, territorial integrity and security of States, destabilize legitimately constituted Governments and have adverse consequences on the economic development of States;

2. Calls upon Governments, in accordance with international standards of human rights and internationally recognized principles of due process, to take all necessary and effective measures to prevent and combat terrorism;

3. Calls upon the international community to enhance cooperation in the fight against the spread of terrorism at the national, regional and international levels.

26th meeting
20 August 1993
[Adopted without a vote. See chap. VII.]

1993/14. Situation of human rights in the Islamic Republic of Iran

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1992/15 of 27 August 1992 and other relevant resolutions adopted by the General Assembly since 1986, by the Commission on Human Rights since 1982 and by the Sub-Commission since 1981, calling for an end to the violation of human rights by the Islamic Republic of Iran,

Taking note of Commission on Human Rights resolution 1993/62 of 10 March 1993, in which the Commission expressed its regret that, as the Special Representative had concluded, the Islamic Republic of Iran had not given adequate follow-up to many of the recommendations contained in his previous reports,

Deeply concerned at continuing human rights violations by the Government of the Islamic Republic of Iran, including arbitrary and summary executions, torture and other cruel, inhumane and degrading treatment, arbitrary arrests and imprisonment, forced disappearances, the absence of guarantees for the due process of law and the right to a fair trial and disregard for the freedom of religion and speech,

Gravely concerned at the systematic repression of the Baha'i community and at the plight of the Iranian Kurds,

Expressing its profound regret that for more than one year the Government of the Islamic Republic of Iran has refused to cooperate with the Special Representative and has prevented him from visiting the country,

Expressing its regret that despite agreements between the Government of the Islamic Republic of Iran and the International Committee of the Red Cross on visits to Iranian prisons, the International Committee of the Red Cross delegation was expelled from the country in March 1992, less than one month after starting its mission, and that the Government still refuses to allow the International Committee of the Red Cross to resume its visits,

Expressing its concern at an increase in the number of arrests following anti-government demonstrations and at the violent suppression of popular protest in various cities, including Tehran,

Reaffirming that Governments are to be held responsible for assassination attempts and attacks by their agents against individuals in other countries and for deliberate incitement, sanctioning or condoning of such acts,

Recalling its previous resolutions condemning the assassination abroad of Iranian expatriates, and the apparent direct involvement of Iranian official services in these assassinations,

Recalling also the need for the Government of the Islamic Republic of Iran to cooperate with the Swiss judicial authorities to shed light on the assassination of Professor Kazem Rajavi,

Appalled at the continued repression of women in the Islamic Republic of Iran, in which women have been publicly flogged and even arrested or imprisoned, and particularly noting reports concerning the large number of adolescents and persons below the age of 18,

Noting the reaffirmation of the universality and indivisibility of human rights standards by representatives of the international community at the World Conference on Human Rights,

1. Endorses the urgent call of the Special Representative of the Commission on Human Rights to the Government of the Islamic Republic of Iran urging it to comply with the current international norms in the field of human rights;

2. Strongly condemns the continuing flagrant human rights violations of the Islamic Republic of Iran, including:

(a) The use of excessive force and violence to suppress anti-government gatherings and demonstrations;

(b) The continuing execution of political prisoners and the assassination of opponents abroad;

(c) The stoning, torture and degrading treatment of citizens, especially women;

(d) The continued persecution of Baha'is and other religious minorities;

(e) The harassment of Iranian political refugees' relatives inside the Islamic Republic of Iran to coerce the refugees to return to the country or to cooperate on intelligence matters;

3. Rejects any cultural or religious justification of the breach of universal human rights standards;

4. Emphatically urges the Government of the Islamic Republic of Iran to stop its attacks on Iranian dissidents abroad;

5. Supports the continuation of the mandate of Mr. Reynaldo Galindo Pohl, Special Representative of the Commission of Human Rights, and of international monitoring of the human rights situation in the Islamic Republic of Iran;

6. Maintains that the deteriorating conduct of the Islamic Republic of Iran in terms of violations of human rights and fundamental freedoms and the breach of international instruments, the repercussions of which spread beyond its national frontiers, jeopardizes peace and security in other regions;

7. Requests the Special Representative to consider and recommend in his report the strongest measures which could be adopted within the framework of the United Nations to eliminate human rights violations in the Islamic Republic of Iran;

8. Requests the Secretary-General to inform the Sub-Commission at its next session of the relevant reports and measures already implemented by United Nations bodies, or under way, to prevent human rights violations in the Islamic Republic of Iran;

9. Decides to consider further the situation of human rights in the Islamic Republic of Iran, including the situation of women and minority groups such as the Baha'is and the Kurds, at its forty-sixth session.

26th meeting
20 August 1993

[Adopted by secret ballot by 20 votes to 3, with 2 abstentions. See chap. VII.]

1993/15. Situation in the Palestinian and other Arab territories occupied by Israel

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, in particular the principles of equal rights and self-determination of all peoples,

Mindful of the principles and humanitarian provisions of the Geneva Conventions of 12 August 1949 for the protection of victims of war, of the principles and provisions of international law and of the obligations arising from the Regulations concerning the Laws and Customs of War on Land, annexed to the Hague Convention IV of 1907,

Recalling that, in accordance with article 1 of the Geneva Conventions of 12 August 1949, all States parties to the Conventions have undertaken to respect and to ensure respect for the Conventions in all circumstances,

Recalling also all the resolutions of the General Assembly and the Commission on Human Rights condemning the practices of the Israeli occupation authorities in the Palestinian and other Arab territories occupied by Israel which affirm the applicability of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to these territories, in particular resolution 1993/2 of 19 February 1993 of the Commission on Human Rights,

Recalling further the relevant Security Council resolutions, in particular resolutions 605 (1987) of 22 December 1987, 607 (1988) of 5 January 1988, 608 (1988) of 14 January 1988, 636 (1989) of 6 July 1989, 681 (1990) of 20 December 1990, 726 (1992) of 6 January 1992 and 799 (1992) of 18 December 1992,

Noting with great concern the report submitted to the Security Council by the Secretary-General in accordance with resolution 799 (1992) (S/25149), which affirmed that Israel continued to refuse to comply with the resolutions of the Council and recommended that the Council take the necessary measures to ensure that its decision, as set out in resolution 799 (1992), was respected,

Taking note of the reports of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories submitted to the General Assembly and the relevant reports of the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization,

Recalling with great concern the press releases issued by the International Committee of the Red Cross in Geneva on 13 January 1988, on 18 and 19 August 1988 and on 21 May 1992 and the statement of the President of the International Committee of the Red Cross on 23 May 1993 concerning the continuing violations by Israel of the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, including the deportation of Palestinian citizens from their territory, the killing of civilians, including children, and the application of the policy of collective punishment against the Palestinian people,

Reaffirming its previous resolutions in this respect, the most recent being resolution 1992/10 of 26 August 1992,

Deeply alarmed at the persistent refusal of Israel to respect the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and to apply it to the Palestinians in the occupied Palestinian territories, and at the systematic and established violations of human rights by Israel over the past twenty-six years and its persistence in killing, wounding and arresting Palestinian people and in deporting and expelling Palestinian citizens,

Taking into account the ongoing process of negotiation between the parties concerned since the Peace Conference on the Middle East convened at Madrid, and encouraging this process to reach speedily a just and lasting peace settlement on the basis of Security Council resolutions 242 (1967) of 22 November 1967 and 338 (1973) of 22 October 1973 and all other relevant United Nations resolutions,

1. Reaffirms that the Israeli occupation of Palestinian and other Arab territories, including Jerusalem, itself constitutes a gross and systematic violation of human rights and an aggression under international law;

2. Also reaffirms that the continued perpetration by the Israeli occupation authorities of deliberate killings of Palestinians, including children, breaking limbs of young men and causing grave harm to their physical integrity, subjecting cities, villages and camps to living conditions designed to strangulate and destroy them by imposing curfews, as happened in the Gaza Strip on 25 May 1992, and preventing their provision with food and medical supplies, firing gas bombs into houses, mosques, churches and hospitals, thus causing the death of many people by asphyxia, severely beating pregnant women and throwing gas bombs inside their homes, thereby causing them to miscarry, torturing Palestinian detainees, imposing collective punishment and administrative detention upon thousands of Palestinians, expelling and deporting Palestinians from their homeland, confiscating land and establishing Israeli settlements in the occupied Palestinian territories, bringing Jewish immigrants from several parts of the world and settling them on these territories, thus modifying their demographic character, closing schools and universities, desecrating holy places and demolishing houses, all constitute grave violations of the principles of international law and the provisions of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, of the Universal Declaration of Human Rights and of the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights;

3. Further reaffirms that the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, is applicable to the Palestinians and to the Palestinian and other Arab territories occupied by Israel, and that the continued disregard and rejection of the provisions of the Convention by Israel constitute gross violations of the principles of international law, and that it is therefore the responsibility of the international community to provide protection for the Palestinian people under Israeli occupation, in accordance with the relevant Security Council resolutions and the provisions of the Convention, until the end of the Israeli occupation of the Palestinian and other Arab territories;

4. Calls upon the States parties to the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, to implement article 1 of the Convention, to ensure respect by Israel for the Convention and to secure protection for the Palestinian people under occupation, until the end of this occupation;

5. Reaffirms once again the right of the Palestinian people to resist the Israeli occupation by all means, in accordance with United Nations resolutions, and affirms that the intifada of the Palestinian people, which began on 8 December 1987, is one such means confirming their determination to liberate their land from Israeli occupation and to exercise their inalienable national rights on their national soil, above all their right to self-determination;

6. Also reaffirms the inalienable rights of the Palestinian people to return to their homeland in accordance with General Assembly resolution 194 (III) of 11 December 1948, to self-determination without foreign interference and to establish their independent sovereign State on

their national soil, in accordance with the principles and provisions of the Charter of the United Nations and with resolutions of the General Assembly and of the Commission on Human Rights;

7. Condemns the policy of Israel for:

(a) Its gross violations of the rules of international law and of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and calls upon Israel to desist immediately from those practices and to withdraw from the Palestinian and other occupied Arab territories, in accordance with the principles of international law and the relevant United Nations resolutions;

(b) Continuing the policy of deporting Palestinian citizens and for expelling them from their homeland, as happened to more than 400 Palestinian citizens on 17 December 1992, and calls upon Israel to comply with the relevant resolutions of the Security Council, the most recent being resolution 799 (1992) of 18 December 1992, as well as with the relevant resolutions of the General Assembly and the Commission on Human Rights, and to refrain from such a policy, which violates the principles of international law;

(c) Establishing Israeli settlements in the Palestinian and other occupied Arab territories and calls for them to be dismantled, and confirms that all measures taken by Israel with the purpose of annexing these territories or altering the political, cultural, religious or other character of Jerusalem and the Palestinian and other Arab territories occupied since 1967 are illegal, null and void;

(d) Its continued occupation of the Syrian Golan and its defiance of the relevant United Nations resolutions, in particular Security Council resolution 497 (1981) of 17 December 1981, and reaffirms that the decision by Israel in 1981 to impose its laws, jurisdiction and administration on the occupied Syrian Golan is null and void;

(e) The inhuman treatment and terrorist practices in violation of human rights which the Israeli occupation authorities continue to exercise against Syrian Arab citizens in the occupied Syrian Golan for their refusal to carry Israeli identity cards and in order to force them to carry such cards, which practices constitute a flagrant violation of the Geneva Convention relative to the Protection of Civilian Persons in Time of War, of 12 August 1949, and requests all States and competent international organizations not to recognize any Israeli laws, jurisdiction or administration in respect of the occupied Syrian territory;

8. Requests the Secretary-General to provide the Sub-Commission, at its forty-sixth session, with an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other occupied Arab territories, with the texts of the most recent relevant United Nations decisions and resolutions and the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, and with all other information relevant to the implementation of the present resolution.

27th meeting
20 August 1993

[Adopted by secret ballot by 17 votes to 2, with 5 abstentions. See chap. VII.]

1993/16. Situation of human rights in Guatemala

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on Human Rights, as well as by the relevant norms and principles of international humanitarian law,

Recalling its resolution 1992/18 of 27 August 1992,

Taking note of Commission on Human Rights resolution 1993/88 of 10 March 1993, in which the Commission took note with appreciation of the report of the independent expert on the situation of human rights in Guatemala, Mr. Christian Tomuschat (E/CN.4/1993/10 and Corr.1) and requested the Secretary-General to extend his mandate,

Encouraged by the mobilization of the people of Guatemala in defence of democratic institutions, which made possible the restoration of constitutional order and the rule of law following the events of 25 May 1993,

Welcoming the designation as Constitutional President of the Republic of Mr. Ramiro de León Carpio, whose work as Procurator for Human Rights is widely acknowledged by Guatemalan society,

Convinced that the situation of human rights in Guatemala calls for the close attention of the authorities in order to ensure the protection and full observance of those rights,

Considering that the economic and social situation continues to have serious consequences for the most vulnerable sectors of Guatemalan society, particularly the indigenous population, women and children,

Taking into account that the continuation of the internal armed conflict is a fundamental factor affecting the human rights situation in Guatemala,

Taking into account also the initiative of the Government to resume negotiations with the Unidad Revolucionaria Nacional Guatemalteca, with a view to reaching an agreement which will bring the internal armed conflict to an end and permit the re-establishment of a firm and lasting peace,

Taking note of the Government's proposal to establish the Permanent Forum for Peace to discuss national issues with the various sectors of society,

1. Expresses its firm support for the measures adopted by President Ramiro de León Carpio with a view to strengthening democratic institutions, human rights and fundamental freedoms in Guatemala;

2. Urges the Government of Guatemala to continue according special attention to the current situation of human rights in Guatemala;

3. Exhorts the Government of Guatemala to continue its action to guarantee the full observance of human rights by the authorities and the armed and security forces and, with a view to eliminating impunity, to bring to trial any person guilty of violations of human rights and to guarantee the proper functioning of the administration of justice;

4. Urges the Government of Guatemala to give priority to economic and social development programmes and to strengthen in particular policies and programmes concerning the indigenous population, taking into account its proposals, respecting the country's multicultural nature and fostering the Mayan cultural heritage;

5. Exhorts the Government of Guatemala to continue its constructive dialogue with refugees and internally displaced persons in order to resolve satisfactorily the question of their resettlement in Guatemala in conditions of dignity and security;

6. Expresses the hope that the negotiations between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca will be resumed as soon as possible with a view to reaching, with the active support of the international community, in particular the United Nations and the Organization of American States, an agreement which will put an end to the internal armed conflict and permit the re-establishment of a firm and lasting peace;

7. Expresses its appreciation to the independent expert, Mr. Christian Tomuschat, for the work which he has done.

27th meeting
20 August 1993
[Adopted without a vote. See chap. VII.]

1993/17. Situation in Bosnia and Herzegovina

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind the statement adopted without a vote on 4 August 1993 at its present session,

Recalling its decision 1992/103 of 13 August 1992,

Reiterating that the protection of different ethnic and religious groups is at the core of the mandate of the Sub-Commission,

Expressing once again its horror and its total and unqualified condemnation of so-called "ethnic cleansing" that in the former Yugoslavia and particularly in Bosnia and Herzegovina has generated vast displacements of people and large flows of refugees of the different ethnic groups, which in Bosnia and Herzegovina has affected, in particular, the Muslim population,

Taking into account Commission on Human Rights resolutions 1993/7 of 23 February 1993, 1992/S-1/1 of 14 August 1992 and 1992/S-2/1 of 1 December 1992,

Also taking into account the special declaration on Bosnia and Herzegovina adopted by the World Conference on Human Rights,

Noting with alarm the reports of the Special Rapporteur on the situation of human rights in the former Yugoslavia (E/CN.4/1992/S-1/9, E/CN.4/1992/S-1/10, A/47/666-S/24809 and E/CN.4/1993/50),

Sharing the concern expressed by the Commission on Human Rights at the growth of ultra-nationalist ideologies in Serbia and other parts of the former Yugoslavia and at the fact that indoctrination and misinformation continued to encourage ethnic and religious hatred,

Noting that the General Assembly, in its resolution 47/121 of 18 December 1992, and the World Conference on Human Rights, in the special declaration on Bosnia and Herzegovina, stated, inter alia, that the abhorrent policy of ethnic cleansing was a form of genocide,

Recalling the repeated reaffirmation by the Security Council that any taking of territory by force or any practice of "ethnic cleansing" is unlawful and unacceptable and will not be permitted to affect the outcome of the negotiations on constitutional arrangements for the Republic of Bosnia and Herzegovina, and its insistence that all displaced persons be enabled to return in peace to their homes,

Deeply disturbed by the fact that the draft constitutional agreement for what is therein referred to as "the Union of Republics of Bosnia and Herzegovina" could constitute a de facto partition on ethnic and religious grounds,

1. Appeals to the international community:

(a) To reject any permanent partition which results from aggression, intervention and massive violations of human rights, in particular the abhorrent practice of "ethnic cleansing" that has developed into "religious cleansing";

(b) To deny the validity of any agreement obtained under extreme duress from the Government of the Republic of Bosnia and Herzegovina for purposes other than a cessation of hostilities paving the way for a more lasting peaceful settlement based on the principles of the Charter of the United Nations, including respect for human rights and fundamental freedoms without discrimination on the grounds, inter alia, of race, ethnicity or religion;

2. Expresses the view that, should disarmament of militia and other armed groups take place as part of the first stages of the peace plan, it should be extended to all parts of Bosnia and Herzegovina and not be confined to places now under the control of the Government;

3. Emphasizes that no arrangements for impunity should be included in the peace plan;

4. Urges the immediate implementation of Security Council resolution 808 (1993) of 22 February 1993 through the establishment of an international tribunal for the prosecution of persons responsible for serious violations of international humanitarian law committed in the territory of the former Yugoslavia since 1991 and the initiation of proceedings against all persons suspected of committing crimes against humanity, including war crimes;

5. Calls upon the relevant United Nations bodies to ensure that sufficient funds are urgently allocated to allow for the swift and effective operation of the Commission of Experts to investigate the evidence of grave breaches of humanitarian law committed in the former Yugoslavia, and of the international tribunal;

6. Calls for the effective eradication of the tragic consequences of the aggression and the human rights violations in the Republic of Bosnia and Herzegovina, through joint international efforts for the reconstruction of the country;

7. Recommends that, to this end, steps be taken through concerted international action and by the relevant international bodies to enable all refugees, deportees and displaced persons to return safely to their homes in the Republic of Bosnia and Herzegovina, and their properties to be restored to them, any documents signed by them under duress being rejected;

8. Also recommends that steps be taken to ensure full reparation for losses suffered as a consequence of aggression and religious and ethnic cleansing, to which end the international community should contribute to the resources required, it being understood that those responsible for causing destruction and other losses shall be held personally responsible for the repayment of the losses incurred;

9. Urges that, to overcome the present partition of Bosnia and Herzegovina brought about by aggression and ethnic cleansing, a process of peace-building should be initiated through the United Nations and appropriate intergovernmental organizations to reintegrate, over a period of time, the national society of Bosnia and Herzegovina as a whole;

10. Also urges that this process be advanced through appropriate economic and other assistance for projects and institution-building intended to overcome the division of Bosnia and Herzegovina.

27th meeting
20 August 1993
[Adopted by secret ballot by 22 votes to 1, with 1 abstention. See chap. VII.]

1993/18. Situation in Haiti: encouragement of the establishment of the democratic process and the reconstruction of the country

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Referring to the Universal Declaration of Human Rights, the International Covenants on Human Rights, the American Convention on Human Rights and the other international instruments on human rights to which Haiti is a party,

Recalling the resolutions concerning the situation in Haiti adopted by the competent bodies of the United Nations and the Organization of American States since the events of 30 September 1991,

Recalling in particular General Assembly resolution 47/143 of 18 December 1992, Commission on Human Rights resolution 1993/68 of 10 March 1993 and Sub-Commission resolution 1992/16 of 27 August 1992, as well as the relevant resolutions of the Permanent Council of the Organization of American States and the General Assembly of that organization,

Bearing in mind the state of the situation in Haiti established by the Special Rapporteur of the Commission on Human Rights, Mr. Marco Tullio Bruni Celli, who reports numerous violations of the right to life, security of person, freedom of expression, freedom of association and freedom of movement in that country,

Noting with serious concern that extrajudicial executions have taken place, mainly at Port-au-Prince, during the month of July and that, according to the reports received by the international civil mission of the United Nations and the Organization of American States, the number of victims is estimated at over 30,

Noting with satisfaction the agreements which have been concluded between the President of the Republic and the Commander-in-Chief of the armed forces, and between the different political parties of Haiti,

1. Takes note with satisfaction of the agreements of Governor's Island signed between the constitutional President of the Republic, Fr. Jean-Bertrand Aristide, and the Commander-in-Chief of the armed forces, General Raoul Cedras, which provide for a programme of international cooperation and a series of institutional reforms, including the professionalization of the armed forces, the establishment of a new police force and the reform of the judicial system, and which should culminate, on 30 October 1993, in the return to the country of the constitutional President of the Republic;

2. Also takes note with satisfaction of the pact of New York, which was signed in July 1993 between the various political forces represented in Parliament and which aims at establishing a political truce, the normalization of Parliament and the enactment of fundamental laws with a view to a peaceful transition;

3. Encourages the Secretary-General of the United Nations and the Secretary-General of the Organization of American States to continue their efforts at mediation through their special envoy, Mr. Dante Caputo, with a view to achieving the constitutional normalization of the situation and the return to Haiti of the constitutional President of the Republic on 30 October 1993;

4. Encourages the international community to make available all the necessary economic and technical resources for the economic reconstruction of the country and the institution of a programme of development assistance for Haiti as soon as the sanctions imposed on that country have been lifted;

5. Calls on all sectors of Haitian society to ensure that a peaceful transition, based on national agreement, can take place and that democracy can be firmly established in Haiti;

6. Decides to follow the evolution of the situation in Haiti at its next session under agenda item 6.

27th meeting
20 August 1993
[Adopted without a vote. See chap. VII.]

1993/19. Situation in Myanmar

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Bearing in mind the provisions of the Charter of the United Nations, the Universal Declaration of Human Rights, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment,

Recalling Commission on Human Rights resolution 1993/73 of 10 March 1993,

Recalling also its resolution 1992/22 of 27 August 1992 on the question of human rights and states of emergency, in which it expressed its appreciation to the Special Rapporteur, Mr. Leandro Despouy, for his fifth annual report (E/CN.4/Sub.2/1992/23),

Deeply concerned at continued reports of the routine torture and mistreatment of detainees and prisoners by members of the Myanmar police, intelligence and military forces,

Noting that, despite the release between April and December 1992 of many hundreds of prisoners, thousands of others remain under arbitrary detention, including the 1991 Nobel Peace Prize recipient, Aung San Suu Kyi, and numerous other political leaders,

Deploring the ongoing persecution of Muslims, Christians and ethnic minorities and the numerous violations of human rights entailed by the practices of forced conscription and porterage,

Noting with concern the conclusions and recommendations contained in the report on the situation of human rights submitted by the Special Rapporteur of the Commission on Human Rights, Mr. Yozo Yokota (E/CN.4/1993/37),

Noting also with regret that the Government of Myanmar has withheld its full cooperation concerning the on-site visit by the Special Rapporteur and has refused to allow monitoring by the International Committee of the Red Cross,

Commending, however, the recent discussions between the Government of Myanmar and the United Nations High Commissioner for Refugees at Yangon in July 1993, in which it was agreed, in principle, that the Office of the United Nations High Commissioner for Refugees would be allowed to establish a presence in Rakhine state in Myanmar to assist and coordinate the voluntary repatriation of the residents of Rakhine state at present in camps in Bangladesh, assisted by the Office of the United Nations High Commissioner for Refugees,

1. Calls upon the Government of Myanmar to ensure respect for human rights and fundamental freedoms for all citizens, including all minorities, notably through the repeal of discriminatory citizenship laws and immediate and unqualified cessation of all practices of torture, arbitrary detention, forced conscription, forced porterage and forced relocation, and of violent attacks on civilians, including children and women, by members of the armed forces;

2. Also calls upon the Government of Myanmar to allow full implementation of the results of the election of 27 May 1990, in accordance with General Assembly resolution 47/144 of 18 December 1992;

3. Urges the Government of Myanmar to cooperate fully with the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Myanmar and with the International Committee of the Red Cross in their monitoring activities;

4. Reminds the Government of Myanmar of its obligations under common article 3 of the Geneva Conventions of 12 August 1949 regarding the protection of civilians in armed conflicts not of an international character;

5. Encourages the Government of Myanmar to continue the positive cooperation with the Office of the United Nations High Commissioner for Refugees initiated in recent discussions concerning their mutual responsibilities regarding the repatriation of returnees from Bangladesh;

6. Invites the Government of Myanmar to consider, as a matter of urgency, acceding to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Covenant on Civil and Political Rights and other human rights instruments to which it is not yet a party.

27th meeting
20 August 1993
[Adopted by secret ballot by 17 votes to 2, with 5 abstentions. See chap. VII.]

1993/20. Situation of human rights in Iraq

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles embodied in the Charter of the United Nations, the Universal Declaration of Human Rights and the International Covenants on human rights,

Reaffirming that all Member States have an obligation to promote and protect human rights and fundamental freedoms and to fulfil the obligations they have undertaken under the various international instruments in this field,

Mindful that Iraq is a party to the International Covenants on human rights and to other human rights instruments,

Recalling Security Council resolution 688 (1991) of 5 April 1991, in which the Council demanded an end to the repression of the Iraqi civilian population and insisted that the human and political rights of all Iraqi citizens be respected,

Recalling also Security Council resolutions 706 (1991) of 15 August 1991, 712 (1991) of 19 September 1991 and 778 (1992) of 2 October 1992,

Mindful that the United Nations has not yet sent a fact-finding mission to the marshlands region of southern Iraq,

Deeply concerned by the recent information that thousands of Arab Shiites have sought refuge on the border between Iraq and the Islamic Republic of Iran because of the artillery bombardment and the programme undertaken by the Iraqi Government to drain the southern marshlands,

Deeply concerned also by the continued massive repression of the Arab Shiah populations in the south of Iraq, particularly those who are under siege by Iraqi armed forces there,

Disturbed by the possibility of a continued exodus of these populations, both to the border area and within Iraq itself,

Recalling its decision 1992/106 of 27 August 1992, in which it expressed deep concern about the serious consequences which the United Nations embargo was having on the entire civilian population in Iraq, and in particular on children, women and the most underprivileged sectors of the population,

Noting the crop and food supply assessment mission to Iraq undertaken by the Food and Agriculture Organization of the United Nations and the World Food Programme in June 1993, which described the negative impact of the international embargo on the civilian population, especially the most vulnerable groups,

Deeply concerned by the fact that multitudes of refugee women and children coming from the marshlands suffer a lack of food, drinking water and medical assistance,

Deeply concerned also by the internal embargo maintained by the Government against the Kurdish population in the north of Iraq and the Arab Shiites in the southern marshlands,

1. Expresses its concern at the exceptional gravity of the human rights situation in Iraq and, therefore, welcomes the proposal of the Special Rapporteur of the Commission on Human Rights on the situation of human rights in Iraq, contained in his report (E/CN.4/1993/45), that human rights monitors be deployed;

2. Calls upon the Government of Iraq immediately to halt its artillery bombardment, to cease all draining schemes and destruction of the marshes and to lift the internal embargo imposed in October 1991 on the populations of the marshlands;

3. Also calls upon the Government of Iraq to abide by Security Council resolutions 706 (1991) of 15 August 1991 and 712 (1991) of 19 September 1991, which permit the Government of Iraq to sell oil to finance humanitarian assistance for the Iraqi people;

4. Requests the United Nations humanitarian organizations concerned to speed up the delivery of aid to the persons who have sought refuge on the border between Iraq and the Islamic Republic of Iran and to ensure that their food and medical needs are satisfied;

5. Appeals once again to the international community as a whole and to all Governments, including that of Iraq, to facilitate the supply of food and medicines to the civilian population;

6. Urges the Special Rapporteur on the situation of human rights in Iraq to visit the border and the marshlands and to report his findings to the General Assembly;

7. Deplores the continuing victimization of civilians and the destruction of civilian infrastructure as the result of military actions against Iraq;

8. Requests the Secretary-General to provide all necessary assistance to the Special Rapporteur to undertake his mission;

9. Also requests the Secretary-General to call upon the Government of Iraq to cooperate with the Special Rapporteur;

10. Urges the implementation of Security Council resolution 688 (1991) of 5 April 1991 and of the recommendations of the Special Rapporteur to station permanent monitors in the area of the marshlands and to establish permanent aid centres;

11. Condemns the violations of human rights by the Government of Iraq and decides to keep the situation of human rights in Iraq under review at future sessions of the Sub-Commission.

27th meeting
20 August 1993
[Adopted by secret ballot by 14 votes to 9, with 2 abstentions. See chap. VII.]

1993/21. Freedom of movement and the situation of migrant workers and their families

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1992/5 of 21 August 1992 on measures to combat racism and racial discrimination and the role of the Sub-Commission,

Recalling also Commission on Human Rights resolution 1993/20 of 2 March 1993 on measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and the appointment of a special rapporteur thereon,

Recalling further Commission on Human Rights resolutions 1992/81 of 6 March 1992 and 1993/89 of 10 March 1993 concerning the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Aware of the growing importance and magnitude of the phenomenon of racism and its consequences for migrant workers, as well as the efforts undertaken by the international community to improve the protection of the human rights of all migrant workers and their families, and recalling in that regard the adoption by the General Assembly of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families,

Concerned that despite these efforts racism and acts of violence resulting therefrom persist and are even increasing in a number of developed countries,

Bearing in mind the existence of bilateral agreements with host countries and convinced that combined bilateral and multilateral action should lead to the problem being addressed more effectively,

Convinced that greater awareness of the contribution of migrant workers in host countries must be effectively ensured at all levels in order to fight effectively against xenophobic behaviour on the part of individuals and put an end to the complex of rejection from which this category of workers continues to suffer throughout the world,

Recognizing that migrant workers and members of their families are free to leave any State, including their State of origin,

Conscious that impunity for crimes motivated by racist and xenophobic attitudes contributes to weakening the rule of law and tends to encourage the recurrence of those crimes,

Noting that the special interest taken by the United Nations in the situation of migrant workers with a view to ensuring the human rights and dignity of all migrant workers and their families truly reflects the complexity of the problems faced by this vulnerable population group,

Noting also that those workers suffer from racism and xenophobia, after being compelled to leave their countries because of objective economic difficulties, entailing first that they are uprooted and then that they have to go through the various stages involved in adapting to a new socio-cultural environment,

Noting further that migrant workers have largely contributed to the construction, development and economic prosperity of employing countries, following the migratory movement encouraged before and after the independence of their countries by the countries of the North,

Noting that workers and their families whose social situation is extremely precarious are constantly subjected to extortion, injustice, hatred and aggression,

1. Requests host countries to continue the efforts undertaken to improve the situation and ensure the human rights and dignity of all migrant workers and their families;

2. Asks host countries to provide effective protection for migrant workers and members of their families against violence, bodily injury, threats and intimidation, whether by public officials or private persons, groups or institutions;

3. Affirms that the family is the natural and fundamental element of society and has a right to the protection of society and the State, and requests that appropriate steps be taken to protect the family unit of the migrant worker;

4. Invites all Governments to cooperate with the Special Rapporteur on contemporary forms of racism, racial discrimination, and xenophobia and related intolerance, to take action forthwith and to establish vigorous policies to prevent and combat all forms and manifestations of racism, xenophobia and intolerance, adopting, if need be, appropriate legislation providing for penal measures;

5. Also invites all States to give effect to the Vienna Declaration and Programme of Action, adopted by the World Conference on Human Rights, and to ensure the protection of the rights of all migrant workers and members of their families;

6. Emphasizes that it is important to create conditions conducive to greater harmony, tolerance and mutual respect between migrant workers and the rest of the population of the State in which they live;

7. Invites States to consider the possibility of signing or ratifying at the earliest opportunity the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;

8. Decides to include the situation of migrant workers and members of their families on the agenda of its forty-sixth session, as a sub-item of the item on freedom of movement.

27th meeting
20 August 1993
[Adopted without a vote. See chap. XIX.]

1993/22. Question of the human rights of disabled persons

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Welcoming the publication of the report by Mr. Leandro Despouy, Special Rapporteur on the question of the human rights of disabled persons (United Nations publication, Sales No. E.92.XIV.4),

Recalling Commission on Human Rights resolution 1993/29 of 5 March 1993, as well as General Assembly resolution 47/3 of 14 October 1992, in which the Assembly proclaimed the International Day of Disabled Persons, and General Assembly resolution 46/96 of 16 December 1991, in which it reiterated the need to achieve the objectives set out in the agenda for action of the United Nations Decade of Disabled Persons,

Recalling the Vienna Declaration and Programme of Action, adopted at the World Conference on Human Rights, which reaffirm that persons with disabilities should be guaranteed equal opportunity through the elimination of all barriers, be they physical, financial, social or psychological, which exclude or restrict full participation in society,

Noting its resolution 1991/19 of 28 August 1991, in which it emphasizes that the provisions of the Universal Declaration of Human Rights, whereby everyone is entitled to all rights and freedoms, without distinction of any

kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, also apply to disabled persons,

1. Requests the Commission on Human Rights to take into consideration the recommendations of the Special Rapporteur, Mr. Leandro Despouy, contained in his report Human Rights and Disabled Persons and, particularly, to work towards the appointment of an international ombudsman for the human rights of disabled persons;

2. Requests the Secretary-General to report to the Commission on Human Rights and to the Sub-Commission on the coordination endeavours, and their results, undertaken by the various United Nations organs and bodies concerned with the protection of disabled persons, for the purpose of envisaging the establishment of an effective mechanism for coordination and cooperation between the various organs and bodies;

3. Decides to remain seized of this question and to deal with it each year as sub-item (c) of the agenda item entitled "Promotion, protection and restoration of human rights at national, regional and international levels".

27th meeting
20 August 1993
[Adopted without a vote. See chap. XIII.]

1993/23. Situation of human rights in Peru

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights and other international instruments on the protection of human rights,

Recalling Commission on Human Rights resolutions 1992/42 of 28 February 1992 and 1993/48 of 9 March 1993, on the consequences for the enjoyment of human rights of acts of violence committed by armed groups that spread terror among the population and by drug traffickers,

Recalling its resolution 1992/12 of 27 August 1992, on support for the restoration of democracy in Peru,

Noting with interest the electoral processes, monitored by the Organization of American States, to elect a new Congress and renew the municipal authorities, although various political groupings refrained from taking part,

Considering that there is an urgent need to adopt measures to investigate and penalize those responsible for human rights violations, as well as to compensate the victims of such violations,

Observing that some provisions of the legislation adopted to combat terrorism are not in keeping with the general principles safeguarding the right to a defence and due process,

1. Notes with interest the electoral processes carried out in Peru under the commitments entered into with the Organization of American States;

2. Strongly condemns the violations of human rights by the terrorist groups Sendero Luminoso and Movimiento Revolucionario Tupac Amaru;

3. Regrets the violations of human rights by some members of the forces of law and order;

4. Welcomes the initiation of dialogue between the Government of Peru and the Coordinadora Nacional de Derechos Humanos (National Human Rights Coordinating Body) and considers that it should be continued in terms of concrete measures to foster the effectiveness of and the observance of human rights;

5. Welcomes the agreement reached by the Government of Peru and the International Committee of the Red Cross;

6. Welcomes the readiness of the Government of Peru to establish a register of detainees and calls for it to function fully and effectively;

7. Reiterates its constant concern for effective conditions to guarantee the rule of law and, consequently, human rights;

8. Urges the Peruvian authorities to adopt the necessary measures to guarantee full compliance with the State's obligations to investigate and penalize those responsible for human rights violations, as well as to compensate the victims of such violations;

9. Recommends that the criminal law, within the framework of an independent and impartial system of justice, should be brought into line with the general principles safeguarding the right to a defence and due process;

10. Appeals to the competent Peruvian authorities not to extend the application of the death penalty beyond the limits set out in the American Convention on Human Rights;

11. Decides to request the Government of Peru to keep it informed, through the relevant machinery, of developments in the human rights situation in that country.

29th meeting
23 August 1993
[Adopted without a vote. See chap. VII.]

1993/24. Slavery and slavery-like practices during wartime

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the Vienna Declaration and Programme of Action, in particular paragraph 38 of Part II.B, in which the World Conference on Human Rights emphasized that all violations of the rights of women in situations of armed conflict, including in particular murder, systematic rape, sexual slavery and forced pregnancy, required a particularly effective response,

Bearing in mind Commission on Human Rights resolutions 1993/8 of 23 February 1993, in which the Commission strongly condemned the abhorrent practice of rape and abuse of women and children, and 1993/46 of 8 March 1993, in which the Commission condemned all acts of violence and violations of human rights directed specifically against women, including those in situations of armed conflict,

Recalling its request to the Secretary-General contained in paragraph 18 of its resolution 1992/2 of 14 August 1992 regarding information on the situation of women forced to engage in prostitution during wartime,

Welcoming the report of the Working Group on Contemporary Forms of Slavery on its eighteenth session (E/CN.4/Sub.2/1993/30),

Noting the information transmitted to the Sub-Commission by the Working Group on Contemporary Forms of Slavery concerning the sexual exploitation of women, as well as other forms of forced labour, during wartime,

1. Decides to entrust Mrs. Linda Chavez, as Special Rapporteur, with the task of undertaking an in-depth study on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including in particular internal armed conflict;

2. Requests the Special Rapporteur to submit her preliminary report to the Sub-Commission at its forty-sixth session and her final report to the Sub-Commission at its forty-seventh session;

3. Invites the Special Rapporteur to take into account documentation received by its Special Rapporteur on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms and by the Special Rapporteur of the Commission on Human Rights on the situation of human rights in the territory of the former Yugoslavia, and to include in her study relevant facts, legal analysis, conclusions and recommendations;

4. Requests the Special Rapporteur on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including in particular internal armed conflict to submit the results of the study to the Working Group on Contemporary Forms of Slavery at its nineteenth session;

5. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B draft decision 2.]

33rd meeting
25 August 1993
[Adopted without a vote. See chap. XVI.]

1993/25. Submission of information pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolutions 1993/41 of 5 March 1993 and 1992/31 of 28 February 1992, in which the Commission requested the Sub-Commission to formulate concrete proposals to the Secretary-General regarding the utility and the format of his reports pursuant to Sub-Commission resolution 7 (XXVII) of 20 August 1974 on the question of the human rights of persons subjected to any form of detention or imprisonment,

Bearing in mind that no replies have been received for the last two years to the requests for relevant information,

Taking account of the proposal of its sessional working group on detention, made in 1992 and 1993, that the Sub-Commission should stop consideration of this item,

Noting that the procedure established pursuant to its resolution 7 (XXVII) has been conducive to the establishment of new relevant mechanisms and procedures,

Considering that new mechanisms and procedures established, in particular thematic procedures, have dealt to a great extent with the procedure provided for by Sub-Commission resolution 7 (XXVII),

1. Decides to stop consideration of information received pursuant to its resolution 7 (XXVII) of 20 August 1974;

2. Recommends to the Secretary-General that he no longer issue reports and synopses of materials on this subject.

33rd meeting
25 August 1993
[Adopted without a vote. See chap. XI.]

1993/26. The right to a fair trial

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1990/18 of 30 August 1990, in which it decided to entrust Mr. Chernichenko and Mr. Treat with the preparation of a study entitled "The right to a fair trial: current recognition and measures necessary for its strengthening",

Recalling also its resolutions 1991/14 of 28 August 1991 and 1992/21 of 27 August 1992, as well as Commission on Human Rights resolutions 1991/43 of 5 March 1991 and 1992/34 of 28 February 1992, and decision 1993/106 of 5 March 1993,

Having examined the preparatory report (E/CN.4/Sub.2/1990/34), the preliminary report (E/CN.4/Sub.2/1991/29), and the progress reports (E/CN.4/Sub.2/1992/24 and Add.1-3 and E/CN.4/Sub.2/1993/24 and Add.1-2) on the right to a fair trial, prepared by the Special Rapporteurs,

Welcoming the recommendation of the Special Rapporteurs that the Sub-Commission assess possible means to strengthen the right to a fair trial,

1. Expresses its appreciation to Mr. Stanislav Chernichenko and Mr. William Treat for their progress report (E/CN.4/Sub.2/1993/24 and Add.1-2), summarizing material regarding national practices on the right to a fair trial and appending a preliminary draft of a third optional protocol to the International Covenant on Civil and Political Rights;

2. Expresses its appreciation to the Governments and non-governmental organizations that provided information for the study, for example by responding to the questionnaires prepared by the Special Rapporteurs;

3. Requests the Special Rapporteurs to submit to the Sub-Commission at its forty-sixth session a final report, which should include recommendations for strengthening the implementation of the right to a fair trial, together with a draft third optional protocol to the International Covenant on Civil and Political Rights, and consider the possibility of elaborating a draft declaration or body of principles on the right to a fair trial and a remedy;

4. Requests the Secretary-General to transmit the draft third optional protocol to Governments, non-governmental organizations and the Human Rights Committee as soon as possible after the present session of the Sub-Commission, for written comments and suggestions;

5. Decides to consider at its forty-sixth session the advisability of elaborating a third optional protocol to the International Covenant on Civil and Political Rights, as well as the other recommendations of the Special Rapporteurs for strengthening the implementation of the right to a fair trial, including the possibility of elaborating a draft declaration or body of principles on the right to a fair trial and a remedy;

6. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 3.]

33rd meeting
25 August 1993
[Adopted without a vote. See chap. XI.]

1993/27. Application of international standards concerning the human rights of detained juveniles

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1991/16 of 28 August 1991, in which it requested, inter alia, the Secretary-General to explore the feasibility of organizing a meeting of experts on the application of international standards concerning the human rights of detained juveniles, and 1992/25 of 27 August 1992, in which it welcomed the proposal by the Secretary-General to organize that meeting,

1. Welcomes Commission on Human Rights resolution 1993/80 of 10 March 1993, in which the Commission welcomed the proposal by the Secretary-General to organize, within the framework of the programme of human rights activities for 1994, a meeting of experts under the auspices of the Centre for Human Rights, the United Nations Children's Fund and the Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs on the application of international standards concerning the human rights of detained juveniles;

2. Expresses the wish that the Committee on the Rights of the Child, the Working Group on Contemporary Forms of Slavery and the Working Group on Detention be represented at the meeting of experts, together with the specialized non-governmental organizations and juvenile court judges;

3. Requests the Secretary-General to provide all necessary assistance for the organization and success of the meeting of experts;

4. Also requests the Secretary-General to report on the results of the meeting to the Sub-Commission at its forty-sixth session and the Commission at its fifty-first session.

33rd meeting
25 August 1993
[Adopted without a vote. See chap. XI.]

1993/28. Question of human rights and states of emergency

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1983/18 of 22 February 1983, in which the Commission requested the Sub-Commission to give further consideration to the study on the implications for human rights of situations known as states of siege or emergency (E/CN.4/Sub.2/1982/15), submitted by the Special Rapporteur, Mrs. Nicole Questiaux,

Recalling also that, in the same resolution, the Commission requested the Sub-Commission to propose measures designed to ensure the respect throughout the world of human rights and fundamental freedoms in situations where states of siege or emergency existed, especially of the rights referred to in article 4, paragraph 2, of the International Covenant on Civil and Political Rights, prohibiting derogation from certain rights, even in time of public emergency,

Recalling further Economic and Social Council resolution 1985/37 of 30 May 1985 and the Sub-Commission's own resolution 1983/28 of 6 September 1983, concerning the question of human rights and states of emergency,

Recalling that, in its resolution 1985/32 of 30 August 1985, it requested the Special Rapporteur, Mr. Leandro Despouy, to draw up and update a list of countries which proclaimed a state of emergency each year and to prepare an annual report containing reliably attested information on compliance with the rules, national and international, guaranteeing the legality of the introduction of a state of emergency,

Bearing in mind that the Commission on Human Rights in its resolution 1991/34 of 5 March 1991 invited the Sub-Commission to consider the question of the effectiveness of habeas corpus and similar remedies and to formulate suggestions thereon,

Noting with interest that it was recommended that the Special Rapporteur, through Governments and international organizations, should monitor closely the implementation of Commission on Human Rights resolution 1992/35 of 28 February 1992, in which the Commission called on all States to establish a procedure such as habeas corpus and to maintain the right to such a procedure at all times and under all circumstances, including during states of emergency, and that the Special Rapporteur should report on this question,

Having noted from its thirtieth to its forty-fifth sessions the importance, for the effective enjoyment of human rights, of the principles concerning respect for the rules, national and international, guaranteeing the legality of the introduction of a state of emergency,

Noting the interest expressed by many countries in receiving technical assistance from the Special Rapporteur on states of emergency and from the United Nations Secretariat under the programme of advisory services in the field of human rights, and the work already done by the Special Rapporteur in this field,

Stressing that, according to the information available to the Special Rapporteur in preparing his sixth annual report (E/CN.4/Sub.2/1993/23), 83 States and territories - or approximately half the members of the United Nations - have proclaimed, extended, maintained or terminated, in various forms, a state of emergency since 1 January 1985,

Having noted that, in some circumstances, such as situations of war, armed conflict or internal unrest, emergency measures are adopted without a state of emergency being officially proclaimed and that such measures have an impact on human rights which warrants thorough study by the Special Rapporteur,

Noting with satisfaction the growing cooperation of Governments with the Special Rapporteur and the need to continue to analyse the information received by the Special Rapporteur with the greatest care,

Stressing that the Sub-Commission invites the Special Rapporteur to continue and expand his contacts and to hold consultations with appropriate technical institutions and experts with a view to receiving, storing and retrieving information through a data bank on states of emergency and related human rights questions,

Bearing in mind that, as in the past, the Special Rapporteur is receiving relevant observations from governmental and non-governmental sources on the draft guidelines for the development of legislation on states of emergency,

1. Expresses its deep appreciation to the Special Rapporteur, Mr. Leandro Despouy, for his sixth annual report and list of States which have proclaimed, extended or terminated a state of emergency since 1 January 1985 (E/CN.4/Sub.2/1993/23);

2. Expresses its appreciation to Governments, competent United Nations bodies, specialized agencies, regional intergovernmental organizations and competent non-governmental organizations in consultative status with the Economic and Social Council, as well as competent university and academic institutions, that have submitted information and comments to the Special Rapporteur on the question of human rights and states of emergency and invites them to continue to cooperate actively with the Special Rapporteur;

3. Recognizes the fundamental importance of the existence in each country of specific and effective national legislation enabling emergency situations to be dealt with in conformity with international norms and invites Governments that have not yet done so to consider the adoption of internal legislation consistent with the requirements of international instruments concerning states of emergency, as explained and developed in the Special Rapporteur's various reports;

4. Invites Governments to limit the introduction of states of emergency, particularly in the case of internal unrest, exclusively to situations sufficiently serious and exceptional to justify them, in order to avoid making the use of states of emergency commonplace and thus, possibly, perpetuating them;

5. Requests the Secretary General, under the United Nations programme of advisory services in the field of human rights, to furnish assistance through the Special Rapporteur to States requesting it;

6. Invites the Special Rapporteur to continue the work with which he has been entrusted and to submit to the Sub-Commission, at its forty-sixth session, the next annual report and list updated on the basis of the information received and to update his present report so that the Commission on Human Rights, at its fiftieth session, will have before it the most recent and accurate information available;

7. Also invites the Special Rapporteur to continue his work on the draft guidelines for the development of legislation on states of emergency and, in particular, to examine the question of non-derogable rights;

8. Further invites the Special Rapporteur to continue and expand his contacts and to hold consultations with appropriate technical institutions and experts with a view to receiving, storing and retrieving information relevant to his mandate;

9. Requests the Secretary-General to provide the Special Rapporteur with all the assistance he may require to carry out his work successfully and to process the information submitted to him in an effective way;

10. Decides to examine the report and updated list transmitted by the Special Rapporteur as a matter of priority at its forty-sixth session under agenda item 10 (b), entitled "Question of human rights and states of emergency";

11. Recommends the follow draft resolution to the Commission on Human rights for adoption:

[For the text, see chap. I, sect. A, draft resolution II.]

33rd meeting
25 August 1993

[Adopted without a vote. See chap. XI.]

1993/29. Study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1989/13 of 31 August 1989, in which it decided to entrust Mr. Theo van Boven with the task of undertaking a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms with a view to exploring the possibility of developing basic principles and guidelines in this respect,

Having examined the study prepared by the Special Rapporteur contained in his final report (E/CN.4/Sub.2/1993/8),

Noting with particular interest the conclusions and recommendations, and the proposed basic principles and guidelines contained in sections VIII and IX of the final report,

1. Expresses its appreciation and profound thanks to the Special Rapporteur, Mr. Theo van Boven, for the important work he has accomplished;

2. Shares the opinion of the Special Rapporteur that the question of restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms has received insufficient attention and should be addressed more consistently and more thoroughly in all its aspects both in the United Nations and other international organizations, and at the national level;

3. Decides to transmit the study of the Special Rapporteur to the Commission on Human Rights with a view to its publication and dissemination;

4. Invites the Commission on Human Rights to pay particular attention to the conclusions and recommendations contained in the study, taking into account the comments and observations made at the forty-fifth session of the Sub-Commission;

5. Decides to examine further the proposed basic principles and guidelines included in the study at its forty-sixth session and for that purpose to establish, if necessary, a sessional working group at that session with a view to adopting a body of such principles and guidelines, and requests the Secretary-General to lend the sessional working group all necessary assistance;

6. Requests the Secretary-General to invite Governments and competent intergovernmental and non-governmental organizations to submit their comments on the proposed basic principles and guidelines included in the study.

33rd meeting
25 August 1993
[Adopted without a vote. See chap. V.]

1993/30. Recognition of gross and large-scale violations of human rights as an international crime

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Aware that gross and large-scale violations of human rights are a matter of grave concern for mankind,

Believing that such violations, if they are perpetrated on the orders of Governments or are sanctioned by them, pose the greatest danger to mankind,

Having discussed the working paper (E/CN.4/Sub.2/1993/10 and Corr.1) submitted by Mr. Stanislav Chernichenko in accordance with its decision 1992/109 of 27 August 1992,

Considering that further measures should be taken to combat gross and large-scale violations of human rights,

1. Expresses its appreciation to Mr. Stanislav Chernichenko for the working paper on the definition of gross and large-scale violations of human rights as an international crime;

2. Decides to recommend to the Commission on Human Rights the appointment of Mr. Stanislav Chernichenko as Special Rapporteur to prepare a report entitled "Recognition of gross and large-scale violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime";

3. Decides to consider the report of the Special Rapporteur at its forty-sixth session under the agenda item entitled "Review of further developments in fields with which the Sub-Commission has been concerned";

4. Decides also to recommend that the Special Rapporteur take into account the comments made on his working paper at its forty-fifth session;

5. Recommends that the Special Rapporteur include in his report a draft declaration on the question mentioned above;

6. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 4.]

33rd meeting
25 August 1993
[Adopted without a vote. See chap. V.]

1993/31. Discrimination in the context of human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS)

Mindful that respect for the principle of non-discrimination is the key to the protection and realization of fundamental human rights and freedoms as recognized and protected by international legal texts,

Convinced that discrimination against any person on the grounds of HIV infection or AIDS is a contravention of this fundamental principle,

Concerned at discriminatory laws and policies and at social stigma and discriminatory practices which deny people with HIV infection and people with AIDS, their families, friends and those associated with them, as well as those presumed to be infected or at risk of infection, enjoyment of their fundamental rights and freedoms,

Concerned also that lack of full enjoyment of their fundamental rights by persons suffering from economic, social or legal disadvantage heightens their vulnerability to the risk of HIV infection,

Bearing in mind World Health Assembly resolution WHA.45.35 of 14 May 1992 in which the Assembly recognized that there was no public health rationale for any measures that limited the rights of the individual, notably measures establishing mandatory screening, and called upon States to reinforce efforts to oppose discrimination against persons and specific groups known to be or suspected of being HIV-infected,

Recalling Commission on Human Rights resolution 1993/53 of 9 March 1993, in which the Commission called upon all States to ensure respect for human rights in the context of AIDS and to ensure full enjoyment of all rights by people with HIV or AIDS, their families and those associated with them, and to take measures to combat social stigmatization and discrimination,

Noting that, according to a report submitted to the Commission on the Status of Women at its thirty-third session (E/CN.6/1989/6/Add.1), women are especially vulnerable to the risk of HIV infection and to the economic and social impact of AIDS as a result of their disadvantaged social, legal and economic status,

Concerned that evidence indicates that other disadvantaged groups in society suffering discrimination in the enjoyment of their fundamental rights and freedoms, notably indigenous peoples, minorities, street children and other children with inadequate care and those living in poverty and social disadvantage, also appear more vulnerable to the risk of infection as a result of disadvantage in access to education, health care and social services, and that they suffer disproportionately from the economic and social consequences of the pandemic,

Concerned also that the fear and ignorance surrounding AIDS are leading to increased stigmatization of and prejudice against people with HIV or AIDS and members of particular groups in society resulting, in some countries, in increasing violence against such individuals, arbitrary detention and deportation,

Recalling World Health Assembly resolution WHA.46.37 of 14 May 1993, endorsed by the Economic and Social Council in its resolution 1993/51 of 29 July 1993, in which the Assembly requested the Director-General of the World Health Organization to study the feasibility and practicability of establishing a joint and co-sponsored United Nations programme on HIV and AIDS,

1. Expresses its deep appreciation to the Special Rapporteur, Mr. Luis Varela Quirós, for his final report on discrimination against HIV-infected people or people with AIDS (E/CN.4/Sub.2/1992/10) and endorses his conclusions and recommendations (E/CN.4/Sub.2/1993/9);

2. Calls upon all States to take all the necessary steps, including the introduction of protective legislation and appropriate education to combat discrimination, prejudice and stigma, to ensure the full enjoyment of civil, political, economic, social and cultural rights by people with HIV and AIDS,

their families and those associated with them, and people presumed to be at risk of infection, with particular attention to women, children and other vulnerable groups, in order to prevent discriminatory action against them or their social stigmatization and to ensure their access to the necessary care and support;

3. Also calls upon all States to strengthen their efforts to advance the legal, economic and social status of women and indigenous peoples, as well as of minorities and other groups suffering discrimination in the enjoyment of their rights, to render them less vulnerable to HIV infection and to the adverse socio-economic consequences of the pandemic;

4. Requests the Secretary-General to bring the present resolution to the attention of the relevant United Nations working groups and special rapporteurs, as well as to the treaty-monitoring bodies and those bodies concerned with the status and rights of women;

5. Urges the relevant United Nations working groups and special rapporteurs to consider the impact of AIDS and AIDS-related discrimination in their reports, particularly relating to contemporary forms of slavery, extreme poverty and adequate housing;

6. Expresses its grave concern at the continuation of the exploitation of children and child prostitution in that it constitutes a serious risk of AIDS transmission, and calls upon the Working Group on Contemporary Forms of Slavery to pay urgent attention to this risk;

7. Requests the Secretary-General to report to the Sub-Commission at its forty-sixth session on developments in the United Nations system following the adoption of World Health Assembly resolution WHA.46.37 of 14 May 1993 concerning the possibility of establishing a joint United Nations programme on HIV and AIDS.

33rd meeting
25 August 1993
[Adopted without a vote. See chap. V.]

1993/32. Human rights and the environment

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1990/7 of 30 August 1990, in which it entrusted Mrs. Fatma Zohra Ksentini with the task of undertaking a study on human rights and the environment,

Recalling also Commission on Human Rights resolution 1991/44 of 5 March 1991, in which the Commission endorsed the decision of the Sub-Commission, and Economic and Social Council decision 1991/244 of 31 May 1991, in which the Council approved the endorsement of Ms. Ksentini as Special Rapporteur to prepare a study on human rights and the environment,

Recalling further its resolutions 1991/24 of 29 August 1991 and 1992/31 of 27 August 1992, in which it requested the Special Rapporteur to prepare for the Sub-Commission progress reports on the subject,

1. Takes note with appreciation of the second progress report on human rights and the environment (E/CN.4/Sub.2/1993/7) submitted by Mrs. Ksentini pursuant to Sub-Commission resolution 1992/31 of 27 August 1992, and Commission on Human Rights decision 1993/114 of 10 March 1993;

2. Endorses the recommendations contained in the second progress report;

3. Requests the Special Rapporteur to continue her study on human rights and the environment, taking into account, inter alia, the comments made at the forty-fifth session of the Sub-Commission on her preliminary and progress reports (E/CN.4/Sub.2/1991/8, E/CN.4/Sub.2/1992/7 and Add.1 and E/CN.4/Sub.2/1993/7), as well as developments in this field relevant to the study;

4. Also requests the Special Rapporteur to submit to the Sub-Commission, at its forty-sixth session, a final report, which should include a set of conclusions and recommendations aimed at developing basic principles and guidelines with respect to human rights and the environment;

5. Invites the Secretary-General to organize an expert meeting prior to the preparation of the final report in order to formulate recommendations on the way in which the right to environment could be incorporated in the activities of human rights bodies;

6. Invites the persons chairing human rights treaty monitoring bodies to include the question of the right to environment on the agenda of their next meeting and, if they so wish, to invite the Special Rapporteur to participate in that meeting;

7. Requests the Secretary-General to invite Governments, United Nations bodies, the specialized agencies, intergovernmental and non-governmental organizations, indigenous peoples' organizations and international human rights organizations to provide the Special Rapporteur with information relevant to the preparation of her report;

8. Also requests the Secretary-General to provide the Special Rapporteur with all the assistance she may require for the preparation of her study, and the necessary assistance to hold consultations with appropriate United Nations specialized agencies and intergovernmental development organizations and to compile and analyse the information and documents collected;

9. Decides to consider the final report of the Special Rapporteur at its forty-sixth session under the agenda item entitled "Review of further developments in fields with which the Sub-Commission has been concerned";

10. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap I, sect. B, draft decision 5.]

33rd meeting
25 August 1993
[Adopted without a vote. See chap. V.]

1993/33. Traditional practices affecting the health of women and children

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1991/23 of 29 August 1991, in which it recommended that the mandate of the Special Rapporteur, Mrs. Halima Embarek Warzazi, be extended for two years so as to enable her to submit to the Sub-Commission at its forty-fifth session a plan of action for the elimination of harmful traditional practices affecting the health of women and children, and a report on the regional seminar which would take place in Asia,

Recalling also Commission on Human Rights decision 1992/109 of 28 February 1992 approving the above recommendation,

Considering that traditional practices adversely affecting the health of women and children, such as female genital mutilation, preference for male children, nutritional taboos and other harmful practices, represent a gross violation of human rights,

Recognizing the important work accomplished in this domain by concerned non-governmental organizations,

Noting that States parties to the Convention on the Rights of the Child are enjoined to take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children,

Convinced that the work to promote and advance the principles contained in the International Bill of Human Rights and other international human rights instruments cannot succeed without the full enjoyment by women of all the human rights enshrined therein and full respect for those rights,

Noting that in April 1993 the Centre for Human Rights received a favourable reply from Sri Lanka on hosting the regional seminar for Asia,

1. Welcomes the offer of the Government of Sri Lanka;

2. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 6.]

33rd meeting
25 August 1993
[Adopted without a vote. See chap. V.]

1993/34. Human rights dimensions of population transfer, including the implantation of settlers and settlements

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1990/17 of 30 August 1990 and 1991/28 of 29 August 1991, in which it decided to include the question of the human rights dimensions of population transfer, including the implantation of settlers and settlements, in its future work programme with a view to considering further effective action on this matter,

Recalling also its resolution 1992/28 of 27 August 1992 and Commission on Human Rights decision 1993/104 of 4 March 1993, in which Mr. Awn Shawkat Al-Khasawneh and Mr. Ribot Hatano were entrusted with the task of preparing a preliminary study on the question,

Recalling further that the Sub-Commission in its resolution 1992/28 recognized that practices of population transfer constituted a violation of fundamental human rights,

1. Takes note with appreciation of the preliminary report on the human rights dimensions of population transfer, including the implantation of settlers and settlements (E/CN.4/Sub.2/1993/17 and Corr.1) submitted by Mr. Awn Shawkat Al-Khasawneh and Mr. Ribot Hatano, which found, inter alia, that population transfer is, prima facie, unlawful and violates a number of rights affirmed in human rights and humanitarian law for both transferred and receiving populations;

2. Endorses the conclusions and recommendations of the preliminary report;

3. Regrets that Mr. Hatano is unable to be further involved in the work on this subject as one of the Special Rapporteurs;

4. Requests Mr. Al-Khasawneh, as Special Rapporteur, to continue the study on the human rights dimensions of population transfer, including the implantation of settlers and settlements and to submit a progress report on the question to the Sub-Commission at its forty-sixth session;

5. Invites the Commission on Human Rights, at its fiftieth session, to request the Secretary-General to organize a multidisciplinary expert seminar prior to the preparation of the final report, in order to formulate appropriate final conclusions and recommendations;

6. Requests the Secretary-General to invite Governments, United Nations bodies and intergovernmental and non-governmental organizations concerned to provide the Special Rapporteur with information relevant to the preparation of his reports;

7. Also requests the Secretary-General to provide the Special Rapporteur with all the assistance he may require for the preparation of his study, and the necessary assistance to compile and analyse the information and documents collected;

8. Invites the Commission on Human Rights to request the Special Rapporteur to undertake on-site visits to diverse, ongoing cases of population transfer selected on the basis of information received for the next report;

9. Decides to consider the progress report at its forty-sixth session under the agenda item entitled "The realization of economic, social and cultural rights";

10. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 6.]

33rd meeting
25 August 1993

[Adopted without a vote. See chap. IX.]

1993/35. Human rights and extreme poverty

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling Commission on Human Rights resolution 1992/11 of 21 February 1992, in which the Commission requested the Sub-Commission to undertake a study on human rights and extreme poverty and to accord priority in its work to that question,

Recalling also Commission on Human Rights resolution 1993/13 of 26 February 1993 and its own resolution 1992/27 of 27 August 1992, in which it decided to appoint Mr. Leandro Despouy as Special Rapporteur with responsibility for preparing the study, bearing particularly in mind the approach defined in Commission resolution 1992/11,

Bearing in mind the invitation given to the Special Rapporteur by the Commission on Human Rights, in its resolution 1993/13 of 26 February 1993, to consider the possibility of organizing a seminar with a view to furthering reflection on the topic "Extreme poverty and the denial of human rights" and to make suggestions in that regard,

Bearing in mind also the hope expressed by the Commission on Human Rights, in its resolution 1993/13, the Commission, the Sub-Commission and the Centre for Human Rights would be fully involved in the celebration of the International Day for the Elimination of Poverty, proclaimed for 17 October each year by the General Assembly in its resolution 47/196 of 22 December 1992,

Mindful of the Vienna Declaration and Programme of Action adopted on 25 June 1993 by the World Conference on Human Rights, particularly its paragraphs I.14 and I.25, in which it is affirmed that extreme poverty constitutes a violation of human dignity and inhibits the full and effective enjoyment of human rights and that it is essential for States to foster participation by the poorest people in the decision-making process by the community in which they live, the promotion of human rights and efforts to combat extreme poverty,

1. Takes note with appreciation of the preliminary report on human rights and extreme poverty (E/CN.4/Sub.2/1993/16) submitted by the Special Rapporteur, Mr. Leandro Despouy;

2. Welcomes the approach proposed by the Special Rapporteur in his report;

3. Approves the Special Rapporteur's proposals concerning the holding of the seminar requested by the Commission on the topic "Extreme poverty and denial of human rights", which should be linked to the celebration of the International Day for the Elimination of Poverty;

4. Requests the Special Rapporteur to submit to it, at its forty-sixth session, an interim report on the topic of human rights and extreme poverty taking account of the comments made, particularly by the members of the Sub-Commission, during consideration of his preliminary report at its forty-fifth session;

5. Requests the Secretary-General to continue his consultations on the topic of human rights and extreme poverty with Governments, the specialized agencies, intergovernmental organizations and non-governmental organizations and to inform the Special Rapporteur of the conclusions of those consultations;

6. Also requests the Secretary-General to provide the Special Rapporteur with all the assistance necessary for the fulfilment of his mandate including, as appropriate, assistance from consultants with specialized knowledge of the subject;

7. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution III.]

33rd meeting
25 August 1993

[Adopted without a vote. See chap. IX.]

1993/36. Promoting the realization of the right to adequate housing

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the right of every woman, man and child to a safe and secure place to live in peace and dignity,

Deeply concerned that in excess of one billion persons are homeless or inadequately housed, in violation of their internationally recognized and legitimate human right to adequate housing,

Disturbed that, in spite of the broad recognition accorded to the right to housing in numerous international instruments, the housing conditions of citizens worldwide are deteriorating,

Disturbed also that housing rights have not been fully recognized, in particular through domestic laws and policies,

Recalling Commission on Human Rights decision 1993/103 of 4 March 1993 and resolutions 1988/24 of 7 March 1988, 1987/22 of 10 March 1987 and 1986/36 of 12 March 1986,

Taking note of resolution 14/6 adopted on 5 May 1993 by the United Nations Commission on Human Settlements at its fourteenth session,

Recalling its resolutions 1992/26 of 27 August 1992 and 1991/26 of 29 August 1991,

1. Expresses its appreciation to the Special Rapporteur, Mr. Rajindar Sachar, for his progress report on promoting the realization of the right to adequate housing (E/CN.4/Sub.2/1993/15), and endorses the preliminary conclusions and recommendations contained in paragraphs 159 to 165 of the report;

2. Welcomes, in particular, the analysis of State responsibility and the legal obligations arising from the human right to adequate housing, and the recognition of the need for increased international cooperation;

3. Strongly encourages all Governments to pursue effective policies and legislation aimed at creating conditions for ensuring the full realization of the right to adequate housing of the entire population, concentrating on those currently homeless or inadequately housed, and to take into account the particularly negative impact on housing and living conditions that may result from the adoption of economic adjustment and other policies based exclusively upon the dictates of the free market;

4. Decides to extend the mandate of the Special Rapporteur by one year to bring the length of his mandate into accordance with the practices of the Sub-Commission and to enable him to explore fully the issues arising from the right to adequate housing;

5. Requests the Special Rapporteur to submit to the Sub-Commission, at its forty-sixth session, a second progress report on promoting the realization of the right to adequate housing and to examine, inter alia, the necessity of adopting an international declaration or convention on the right to adequate housing;

6. Invites all Governments, United Nations bodies, the specialized agencies, intergovernmental and non-governmental organizations and community-based organizations to provide the Special Rapporteur with information relevant to the preparation of his report;

7. Urges the Centre for Human Rights, and in particular the advisory services programme, to expand its expertise and make available to Governments, at their request, technical assistance on the legal and practical aspects of economic, social and cultural rights, in particular the right to adequate housing;

8. Requests the Secretary-General and the Centre for Human Rights to organize, prior to the completion of the Special Rapporteur's final report in 1995, an expert seminar on the subject "The right to adequate housing and the United Nations: towards a system-wide approach";

9. Also requests the Secretary-General to provide the Special Rapporteur with all the financial, technical and expert assistance that he may require to prepare his study and to compile and analyse the information, data, views and documents collected, including, as appropriate, assistance from consultants with expertise in the subject;

10. Decides to consider the second progress report of the Special Rapporteur at its forty-sixth session under the agenda item entitled "The realization of economic, social and cultural rights";

11. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution IV.]

33rd meeting
25 August 1993

[Adopted without a vote. See chap. IX.]

1993/37. Question of the impunity of perpetrators of violations of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in the Charter of the United Nations, the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, other relevant human rights instruments and the Geneva Conventions of 12 August 1949,

Recalling the interdependence and indivisibility of civil and political rights and economic, social and cultural rights,

Convinced that the increasingly widespread practice worldwide of impunity for perpetrators of violations of human rights is a fundamental obstacle to the observance of human rights,

Recalling its resolution 1992/23 of 27 August 1992, in which it decided to request Mr. El Hadji Guissé and Mr. Louis Joinet to draft a study on the impunity of perpetrators of violations of human rights, and Commission on Human Rights resolution 1993/43 of 5 March 1993, in which the Commission endorsed the decision of the Sub-Commission,

Bearing in mind paragraph II.91 of the Vienna Declaration and Programme of Action (A/CONF.157/23), in which the World Conference on Human Rights supported the efforts of the Commission and the Sub-Commission to intensify opposition to the impunity of perpetrators of serious violations of human rights,

1. Welcomes the interim report (E/CN.4/Sub.2/1993/6) on the question of the impunity of perpetrators of violations of human rights, prepared by Mr. Guissé and Mr. Joinet pursuant to its resolution 1992/23 of 27 August 1992, and shares the opinion of the Special Rapporteurs that they should undertake a study in two stages;

2. Requests Mr. Guissé and Mr. Joinet to submit a report, including conclusions and recommendations, on the first aspect of the question of impunity, with respect to civil and political rights at its forty-sixth session;

3. Decides, having regard to the interdependence and indivisibility of civil and political rights and economic, social and cultural rights, to request the Special Rapporteurs to continue their study on the second aspect of the question, concerning economic, social and cultural rights;

4. Requests the Secretary-General to provide the Special Rapporteurs with any assistance required to enable them to discharge their task;

5. Invites Governments, competent bodies of the United Nations, the specialized agencies, regional intergovernmental organizations and non-governmental organizations to provide or continue to provide information on the question;

6. Decides to consider the report on the first aspect of the question of impunity at its forty-sixth session under the agenda item entitled "Review of further developments in fields with which the Sub-Commission has been concerned";

7. Recommends the following draft resolution to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. A, draft resolution V.]

34th meeting
26 August 1993
[Adopted without a vote. See chap. V.]

1993/38. Question of the implications for human rights of United Nations actions, including the humanitarian assistance in addressing international humanitarian problems and in the promotion and protection of human rights

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Mindful that one of the purposes of the United Nations is to achieve international cooperation in solving problems of an economic, social, cultural or humanitarian character, and in promoting and encouraging respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion,

Recalling General Assembly resolution 45/100 of 14 December 1990, in which the Assembly reaffirmed the cardinal importance of humanitarian assistance for the victims of natural disasters and similar emergency situations,

Recalling also General Assembly resolution 45/102 of 14 December 1990, in which the Assembly encouraged the international community to contribute substantially and regularly to international humanitarian activities, and stressing, in this context, the importance of further developing international cooperation in the humanitarian field to facilitate better understanding, mutual respect, confidence and tolerance among countries and peoples, thus contributing to a more just and non-violent world,

Considering that all States Members of the United Nations have the duty to respect and to promote respect for the basic principles of international law enshrined in Article 2 of the Charter of the United Nations, as well as to implement Articles 55 and 56,

Aware of the growing involvement of the United Nations in providing and coordinating humanitarian assistance to the victims of disasters and other emergency situations,

Recognizing the close relationship which exists between general international law, international humanitarian and human rights law, and

Aware that the modalities of United Nations action in the humanitarian field, in particular the possibility of utilization of coercive measures in addressing international humanitarian problems, would benefit from a thorough evaluation and clarification in the light of the provisions of the Charter of the United Nations,

Reaffirming the sovereignty, territorial integrity and national unity of States, and that it is up to each State, first and foremost, to care for the victims of natural disasters and similar emergency situations occurring on its territory,

Taking into account the functions and competence established in the Charter for the principal organs of the United Nations, in particular those related to the promotion of universal respect for and observance of the human rights and fundamental freedoms of all,

Mindful of the role of the Sub-Commission, as a body of independent experts in the field of human rights, in providing United Nations competent bodies with technical advice within its area of competence,

1. Expresses its appreciation to Mrs. Claire Palley for her preparatory document on the question of the role of the United Nations in international humanitarian activities and assistance and human rights enforcement (E/CN.4/Sub.2/1993/39);

2. Reaffirms the important role of the United Nations system as a whole in encouraging international cooperation in order to promote human rights, as well as to address natural and man-made disasters, provide assistance and coordinate disaster relief;

3. Decides to recommend to the Commission on Human Rights to authorize the Sub-Commission to appoint Mrs. Claire Palley as special rapporteur on the question of the various modalities of the possibility of United Nations action under the Charter relating to humanitarian assistance when addressing humanitarian problems, taking into account the principle of non-intervention and other principles of general international law enshrined therein and the need further to develop international cooperation in the humanitarian field and the promotion and protection of human rights;

4. Requests the Special Rapporteur to submit a preliminary report at its forty-sixth session, a progress report at its forty-seventh session and her final report, if possible, at its forty-eighth session;

5. Invites the members of the Sub-Commission to submit to the Special Rapporteur their views on the question;

6. Requests the Secretary-General to provide the Special Rapporteur with all necessary assistance, including the resources required, to complete her study;

7. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 8.]

34th meeting
26 August 1993
[Adopted by 14 votes to none, with 7 abstentions. See chap. XX.]

1993/39. Independence of the judiciary, particularly with regard to judges and lawyers, as well as court officers

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Guided by the principles enshrined in articles 7, 8, 10 and 11 of the Universal Declaration of Human Rights and in articles 2, 14 and 26 of the International Covenant on Civil and Political Rights,

Convinced that an independent and impartial judiciary and an independent legal profession are essential prerequisites for the protection of human rights and for ensuring that there shall be no discrimination in the administration of justice,

Bearing in mind Part II, paragraphs 88, 90 and 95 of the Vienna Declaration and Programme of Action (A/CONF.157/23),

Recalling its resolutions 1990/23 of 30 August 1990, 1991/35 of 29 August 1991 and particularly its resolution 1992/38 of 28 August 1992, in which it decided to entrust the Special Rapporteur, Mr. Louis Joinet, with the preparation of a report on the independence of the judiciary,

Recalling also Commission on Human Rights resolution 1993/44 of 5 March 1993, in which the Commission endorsed the decision of the Sub-Commission,

Noting on the one hand the increasingly frequent attacks on their independence suffered by judges and lawyers and court officers, and on the other hand the link between the weakening of safeguards for the judiciary and the intensity of violations of human rights,

1. Welcomes the report on the independence of the judiciary and the protection of practising lawyers, prepared by the Special Rapporteur, Mr. Louis Joinet, pursuant to Sub-Commission resolution 1992/38

2. Calls on Governments to strengthen the independence of judges and lawyers and court officers, as a fundamental element in the protection of human rights;

3. Accordingly recommends to the Commission on Human Rights to create a monitoring mechanism to follow up the question of the independence and impartiality of the judiciary, particularly with regard to judges and lawyers, as well as court officers, and the nature of problems liable to attack this independence and impartiality, and recommends that it take the form of a special rapporteur whose mandate could consist of the following tasks:

(a) To submit any allegations transmitted to the special rapporteur to adversarial examination;

(b) To identify and record attacks on the independence of the judiciary and to provide technical assistance when requested;

(c) To study, for the purpose of making proposals, certain questions of principle, inter alia justice and the fight against serious crime (including terrorism and drug trafficking), justice and situations of emergency, justice and the media, the status of the prosecuting authority, which, in view of their importance and topicality, are priority matters;

4. Requests the Secretary-General to provide the special rapporteur with all the assistance necessary for the completion of his task;

5. Recommends the following draft resolution to the Commission on Human Rights:

[For the text, see chap. I, sect. A, draft resolution VI.]

34th meeting
26th August 1993
[Adopted without a vote. See chap. XII.]

1993/40. Human rights and income distribution

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Reaffirming the indivisibility, interdependence and interrelated nature of economic, social and cultural rights and civil and political rights,

Mindful that the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and a wide range of additional texts provide unequivocally that all persons are entitled to the full realization of economic, social and cultural rights,

international community to promote an effective international cooperation for the realization of the right to development and the elimination of obstacles to development,

Aware that all States have legally binding obligations to respect, protect and fulfil economic, social and cultural rights,

Convinced that equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights,

Recalling the reports of the Special Rapporteur on the realization of economic, social and cultural rights, Mr. Danilo Türk, in particular his final report (E/CN.4/Sub.2/1992/16, paras. 76-84), which addressed a range of issues concerning the relationship between the enjoyment of human rights and income distribution,

Noting its resolution 1992/29 of 27 August 1992, in which it decided to consider, at its forty-fifth session, the possibility of examining in a future study the subject of income distribution and the realization of economic, social and cultural rights,

Noting also Commission on Human Rights resolution 1993/14 of 26 February 1993, in which the Commission took note of the decision of the Sub-Commission to consider the possibility of studying the subject of income distribution and the realization of economic, social and cultural rights,

Disturbed that, according to the United Nations Development Programme Human Development Report of 1992 and 1993, income distribution both within and between nations is becoming increasingly unbalanced, with income concentrated in fewer and fewer hands,

Deeply alarmed that the gap between the rich and the poor has more than doubled over the past three decades, with the richest twenty per cent of the world maintaining an eighty-three per cent share of global income,

Conscious of the impact of inequitable income distribution on the realization of the rights to health, education, housing, food, environmental quality and other economic, social and cultural rights,

Aware that the relationship between income distribution and growing levels of poverty, as well as the violation of human rights, requires further in-depth research and analysis by the human rights community,

Recalling the numerous legal foundations of economic, social and cultural rights within international law, as well as within various domestic legal systems,

Reiterating the fundamental principles of equality of treatment, human dignity, equity and justice,

Affirming the inherent linkages between the enjoyment of all human rights, in particular economic, social and cultural rights, and the striving towards a more equitable distribution of economic resources both within and between nations,

Taking note of the Declaration on the Right to Development (General Assembly resolution 41/128 of 4 December 1986, annex),

1. Urges all States to undertake political, economic, fiscal, social, legal and other necessary measures designed to ensure more equitable access to and control over economic and other resources;

2. Also urges the international community, the bodies and organizations of the United Nations system, the specialized agencies, the international financial institutions and other relevant actors to undertake measures designed to close the current widening gap in income distribution, both within and between nations;

3. Decides to entrust Mr. Asjbørn Eide with the task of producing, without financial implications, a preparatory document on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, at both national and international levels, taking also into account matters related to the realization of the right to development, with a view to determining how most effectively to strengthen activities in this field;

4. Requests Mr. Eide to consult the widest possible variety of sources in the preparation of the preparatory document, including those of non-governmental organizations;

5. Decides to examine the preparatory document to be submitted by Mr. Eide at its forty-sixth session in order to consider further action on the matter.

34th meeting
26 August 1993
[Adopted without a vote. See chap. IX.]

1993/41. Forced evictions

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolutions 1992/14 of 27 August 1992 and 1991/12 of 26 August 1991,

Recalling also Commission on Human Rights resolution 1993/77 of 10 March 1993,

Reaffirming that every woman, man and child has the right to a secure

Concerned that, according to United Nations statistics, in excess of one billion persons throughout the world are homeless or inadequately housed, and that this number is growing,

Recognizing that the practice of forced eviction involves the involuntary removal of persons, families and groups from their homes and communities, resulting in increased levels of homelessness and inadequate housing and living conditions,

Disturbed that forced evictions and homelessness intensify social conflict and inequality and invariably affect the poorest, most socially, economically, environmentally and politically disadvantaged and vulnerable sectors of society,

Aware that forced evictions can be carried out, sanctioned, demanded, proposed, initiated or tolerated by a range of actors,

Aware also that racially motivated and other discriminatory motives are behind a large number of forced evictions,

Emphasizing that ultimate legal responsibility for preventing forced evictions rests with Governments,

Recalling that General Comment No. 2 (1990) on international technical assistance measures, adopted by the Committee on Economic, Social and Cultural Rights at its fourth session, states, inter alia, that international agencies should scrupulously avoid involvement in projects which involve, among other things, large-scale evictions or displacement of persons without the provision of all appropriate protection and compensation (E/1990/23, annex III, para. 6),

Mindful of the questions concerning forced eviction included in the guidelines for States' reports submitted in conformity with articles 16 and 17 of the International Covenant on Economic, Social and Cultural Rights (E/1991/23, annex IV),

Noting with appreciation that the Committee on Economic, Social and Cultural Rights, in its General Comment No. 4 (1991) considered that instances of forced eviction were, prima facie, incompatible with the requirements of the International Covenant on Economic, Social and Cultural Rights and could only be justified in the most exceptional circumstances, and in accordance with the relevant principles of international law (E/1992/23, annex III, para. 18),

Noting the observations of the Committee on Economic, Social and Cultural Rights at its fifth to eighth sessions concerning forced evictions,

Noting also the inclusion of forced evictions as one of the primary causes of the international housing crisis in the working paper and first progress report of the Special Rapporteur on promoting the realization of the right to adequate housing, Mr. Rajindar Sachar (E/CN.4/Sub.2/1992/15 and

1. Reaffirms that the practice of forced eviction constitutes a gross violation of human rights, in particular the right to adequate housing;

2. Strongly urges Governments to undertake all necessary immediate measures, at all levels, aimed at rapidly eliminating the practice of forced eviction;

3. Also strongly urges Governments to confer legal security of tenure on all persons currently threatened with forced eviction and to adopt all necessary measures giving full protection against forced eviction, based upon effective participation, consultation and negotiation with affected persons or groups;

4. Recommends that all Governments provide immediate restitution, compensation and/or appropriate and sufficient alternative accommodation or land, consistent with their wishes or needs, to persons and communities that have been forcibly evicted, following mutually satisfactory negotiations with the affected persons or groups;

5. Invites all international financial, trade, development and other related institutions and agencies to take fully into account the views contained in the present resolution, and pronouncements under international law on the practice of forced eviction;

6. Invites all country and thematic rapporteurs of both the Sub-Commission and the Commission on Human Rights to include instances of forced eviction in their respective reports and to seek to monitor the practice;

7. Decides to consider the issue of forced evictions at its forty-sixth session and to discuss the analytical report of the Secretary-General prepared in accordance with Commission on Human Rights resolution 1993/77 under the agenda item entitled "The realization of economic, social and cultural rights" and determine how most effectively to continue its consideration of the issue of forced evictions.

34th meeting
26 August 1993

[Adopted without a vote. See chap. IX.]

1993/42. Rights of persons belonging to national or ethnic, religious and linguistic minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Welcoming General Assembly resolution 47/135 of 18 December 1992, in which the Assembly adopted the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

Aware also of article 27 of the International Covenant on Civil and Political Rights concerning the rights of persons belonging to ethnic, religious or linguistic minorities,

Recognizing that the role of the United Nations in the protection of national or ethnic minorities should increase,

Concerned about the situation of national minorities in the areas of armed conflict in former Yugoslavia, the former Soviet Union, and in other regions and countries,

Desirous of increasing the effectiveness of the implementation of the Declaration of the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities,

1. Appeals to all States to take all the necessary municipal legislative, administrative and other measures to promote and give effect to the principles of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, paying special attention to the protection of the rights of national or ethnic minorities in areas of armed conflict;

2. Strongly appeals to all States to conclude bilateral or, where possible, multilateral agreements in order to ensure the rights of national or ethnic minorities in their countries, and to observe them in accordance with the standards of international humanitarian law in cases of armed conflict which directly affect their interests;

3. Requests the Secretary-General to make available the resources needed to provide monitoring, advisory assistance and financing to States in connection with their activities related to the protection of the rights of minorities.

34th meeting
26 August 1993
[Adopted without a vote. See chap. XVIII.]

1993/43. Protection of minorities

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Aware that the protection of different ethnic and religious groups is at the core of the mandate of the Sub-Commission,

Deeply disturbed by the occurrence of ethnic and religious violence in many parts of the world,

Convinced that neither minorities nor majorities are entitled to assert their identity in ways which deny others the possibility to do the same, or which lead to discrimination in the national society as a whole,

Convinced also of the need to search for peaceful and constructive solutions to situations involving minorities in accordance with international law, including respect for the territorial integrity and political independence of States,

Taking note of the adoption by the General Assembly, in its resolution 47/135 of 18 December 1992, of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, and convinced that its implementation is the best guidance for such endeavours,

Observing that all groups should cooperate peacefully in the search for constructive accommodation of their respective concerns and should abstain from any use of violence,

Taking into account Commission on Human Rights resolution 1993/24 of 5 March 1993,

Taking also into account the views expressed during the discussion of the final report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34 and Add.1-4) submitted by the Special Rapporteur, Mr. Asbjørn Eide,

1. Expresses its deep appreciation to the Special Rapporteur, Mr. Asbjørn Eide, for his final report on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (E/CN.4/Sub.2/1993/34 and Add.1-4);

2. Expresses its gratitude to those States which have supplied the Special Rapporteur with information on their national experiences in this field;

3. Recommends that the study be published in all the official languages of the United Nations and given the widest possible circulation;

4. Endorses in general terms the recommendations contained in the report (E/CN.4/Sub.2/1993/34/Add.4);

5. Urges the relevant treaty bodies to take note of recommendations 48 to 55 and recommendation 65;

6. Also urges the specialized agencies, notably the International Labour Organisation, the United Nations Educational, Scientific and Cultural Organization, the World Bank and the International Monetary Fund, and other United Nations bodies, including the Office of the United Nations High Commissioner for Refugees, to take account of recommendations 56 to 63 of the report;

7. Invites States to take note of and to act upon the recommendations contained in recommendations 4 to 22 of the report;

8. Underlines that members of minorities should recognize and abide by their responsibility to society, as noted in recommendation 20;

9. Invites States to take into account, in their bilateral and regional cooperation, recommendations 25 to 34 of the report;

10. Recommends that non-governmental organizations study and act upon recommendations 66 to 68 of the report;

11. Invites international religious organizations to take into account, in their work, recommendation 69 of the report;

12. Recommends to the Commission on Human Rights:

(a) To study the proposal contained in recommendation 44 of the report aimed at the establishment of a working group on minority issues open to representatives of both Governments and minorities, and the mandate to be given to such a group;

(b) To study and to give advice to the Centre for Human Rights concerning recommendations 46 and 47 of the report, in particular on ways in which the programme of technical assistance and advisory services can help in the prevention of group conflicts;

13. Decides to consider at its next session the follow-up to be given to the report, including the feasibility and usefulness of the preparation of a more comprehensive programme for the prevention of discrimination and protection of minorities;

14. Entrusts Mr. Asbjørn Eide with the task of preparing, without financial implications, a working paper containing suggestions for such a programme.

35th meeting
26 August 1993
[Adopted without a vote. See chap. XVIII.]

1993/44. Cultural and intellectual property of indigenous peoples

The Sub-Commission on Prevention of Discrimination and Protection of Minorities,

Recalling its resolution 1991/32 of 29 August 1991, in which it decided to entrust Mrs. Erica-Irene A. Daes, as Special Rapporteur, with the task of preparing a study of measures which should be taken by the international community to strengthen respect for the cultural property of indigenous peoples,

Recalling also Economic and Social Council decision 1992/256 of 20 July 1992, in which the Council endorsed the appointment of Mrs. Erica-Irene A. Daes as Special Rapporteur with the mandate to prepare a study on the protection of the cultural and intellectual property of indigenous peoples,

Bearing in mind the conclusions and recommendations of the United Nations Technical Conference on Practical Experience in the Realization of Sustainable and Environmentally Sound Self-development of Indigenous Peoples (E/CN.4/Sub.2/1992/31, sect. V),

Aware of the importance attached by the United Nations Conference on Environment and Development to the traditional knowledge of indigenous peoples,

Mindful of the relevant conclusions and recommendations contained in the report of the Working Group on Indigenous Populations on its eleventh session (E/CN.4/Sub.2/1993/29),

Having considered the study prepared by the Special Rapporteur (E/CN.4/Sub.2/1993/28),

1. Expresses its deep appreciation to the Special Rapporteur, Mrs. Erica-Irene A. Daes, for her comprehensive study on the protection of the cultural and intellectual property of indigenous peoples;

2. Endorses the conclusions and recommendations contained in the study and, in particular, affirms that the heritage of indigenous peoples is their own property, collective and inalienable;

3. Decides that the title of the study should be "Protection of the heritage of the indigenous peoples";

4. Requests the Special Rapporteur to expand her study with a view to elaborating draft principles and guidelines for the protection of the heritage of the indigenous peoples and to submit a preliminary report containing such principles and guidelines at its forty-sixth session;

5. Recommends the following draft decision to the Commission on Human Rights for adoption:

[For the text, see chap. I, sect. B, draft decision 11.]

35th meeting
26 August 1993

[Adopted without a vote. See chap. XV.]